



**International Tribunal for the  
Prosecution of Persons Responsible for  
Serious Violations of International  
Humanitarian Law Committed in the  
Territory of the Former Yugoslavia  
since 1991**

**Case No. IT-09-92-T**  
**Date: 22 November 2017**  
**Original: English**

**IN TRIAL CHAMBER I**

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

**Registrar: Mr John Hocking**

**Judgment of: 22 November 2017**

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC WITH CONFIDENTIAL ANNEX***

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**JUDGMENT**

**VOLUME I OF V**

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**General abbreviations**

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

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

<sup>1</sup> Without further specification, references to ‘MUP’ are to be understood as references to the MUP of the Bosnian-Serb Republic.

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

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



## 1. Introduction

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

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

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

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

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

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

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

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

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

<sup>2</sup> For further details, see Appendix A.

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

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

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

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

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

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

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

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

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

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

## 2. Administration of the Bosnian-Serb Republic

### 2.1 Republic political structure

#### *2.1.1 Bosnian-Serb Presidency and President*

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

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

<sup>3</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3.

<sup>4</sup> Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, *curriculum vitae*), pp. 1-4.

<sup>5</sup> **Patrick Treanor**: P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 98, 185, 188, 236, 241, 254-255, 258, 266-267. **Reynaud Theunens**: P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 55-66. **Documentary evidence**: P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 54; P3007 (Constitution, 28 February 1992), Arts 80-89; P3011 (Law on the Army, 1 June 1992); P3040 (Decision of the Bosnian-Serb Assembly to set up the SNB, 27 March 1992); P3043 (Decision on election of the members of the Bosnian-Serb Presidency, 12 May 1992).

<sup>6</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*).

<sup>7</sup> Adjudicated Facts I, no. 234.

<sup>8</sup> Adjudicated Facts I, no. 235.

<sup>9</sup> Adjudicated Facts I, no. 237.

<sup>10</sup> Adjudicated Facts I, no. 238.

<sup>11</sup> Adjudicated Facts I, no. 220.

<sup>12</sup> Adjudicated Facts I, no. 239.

joint sessions with the Bosnian-Serb Government for the purpose of taking decisions on military, political, and administrative matters.<sup>13</sup>

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

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

<sup>13</sup> Adjudicated Facts I, no. 240.

<sup>14</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 98.

<sup>15</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 235.

<sup>16</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 188, 235-236, 254, 266.

<sup>17</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 236, 254-255, 260-263.

<sup>18</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 185, 255, 258. *See also* P4260 (Record of SNB and Bosnian-Serb Government Session, 10 May 1992).

<sup>19</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 258.

<sup>20</sup> Adjudicated Facts I, no. 221.

<sup>21</sup> Adjudicated Facts I, no. 216. *See also* Adjudicated Facts I, no. 222.

<sup>22</sup> Adjudicated Facts I, no. 223.

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

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

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

<sup>23</sup> Adjudicated Facts I, no. 224.

<sup>24</sup> Adjudicated Facts I, no. 226.

<sup>25</sup> Adjudicated Facts I, no. 231.

<sup>26</sup> Adjudicated Facts I, no. 232.

<sup>27</sup> Adjudicated Facts I, no. 233.

<sup>28</sup> Adjudicated Facts I, no. 227.

<sup>29</sup> Adjudicated Facts I, no. 215.

<sup>30</sup> Adjudicated Facts I, no. 218.

<sup>31</sup> Adjudicated Facts I, nos 219, 228.

<sup>32</sup> Adjudicated Facts I, no. 228.

<sup>33</sup> Adjudicated Facts I, no. 225.



Presidency, often Karadžić, who reported to the Assembly on the military and strategic situation in the Bosnian-Serb Republic.<sup>34</sup>

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

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

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

<sup>34</sup> Adjudicated Facts I, no. 230.

<sup>35</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 243; P3007 (Constitution, 28 February 1992), Art. 111.

<sup>36</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 244-246; P3011 (Law on the Army, 1 June 1992), Art. 174.

<sup>37</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 246-247; P3011 (Law on the Army, 1 June 1992), Arts 174-175.

<sup>38</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 247.

<sup>39</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 238.

<sup>40</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 238-240; P3007 (Constitution, 28 February 1992), Art. 81(2).

<sup>41</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 241, 267. *See also* D446 (Decision by the Bosnian-Serb presidency, 15 April 1992).

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

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

<sup>42</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 251, 268.

<sup>43</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 268.

<sup>44</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 268. *See also* P3692 (Minutes of the meeting of Presidency of the Bosnian-Serb Republic, 10 June 1992).

<sup>45</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 267; P6672 (Minutes of Bosnian-Serb presidency meeting, 6 July 1992), p. 3.

<sup>46</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 267; P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992), pp. 1-2.

<sup>47</sup> The Trial Chamber understands that this position was the same as Minister of Defence and will use the terms interchangeably.

<sup>48</sup> P3034 (Minutes of the 27th meeting of the Bosnian-Serb Presidency, 1 September 1992).

<sup>49</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 273. *See* P3691 (Meeting minutes of Bosnian-Serb Presidency, 9 June 1992); P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992); P4265 (Minutes of Bosnian-Serb Presidency Session, 9 October 1992), p. 1; P3068 (Minutes of Bosnian-Serb Presidency session, 2 August 1992).

<sup>50</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.

<sup>51</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 241, 267; P3042 (Decision on the establishment of the supreme command of the VRS, 30 November 1992). *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.

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

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

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

<sup>52</sup> P3042 (Decision on the establishment of the supreme command of the VRS, 30 November 1992). *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.

<sup>53</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.

<sup>54</sup> P3004 (Patrick Treanor, *The Bosnian-Serb Leadership 1993-1995: Addendum*, April 2009), paras 100-101.

<sup>55</sup> P3004 (Patrick Treanor, *The Bosnian-Serb Leadership 1993-1995: Addendum*, April 2009), paras 103-104, 108-109.

<sup>56</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 13, 67.

<sup>57</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 13.

<sup>58</sup> P3004 (Patrick Treanor, *The Bosnian-Serb Leadership 1993-1995: Addendum*, April 2009), paras 110-112.

could establish separate police units who would participate in operations pursuant to the Supreme Commander's orders.<sup>60</sup>

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

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

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

<sup>59</sup> P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 111.

<sup>60</sup> P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 112.

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

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

### 2.1.2 Bosnian-Serb Assembly

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

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

<sup>61</sup> Adjudicated Facts I, nos 226, 231-234, and 238 are reviewed in chapter 2.1.1.

<sup>62</sup> P3007 (Constitution, 28 February 1992), Arts 69-70, 137-138, 140-141; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 6.

<sup>63</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Patrick Treanor is also reviewed in chapters 2.1.1 and 9.2.2.

<sup>64</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 58-59.

<sup>65</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 58, 164, 170.

<sup>66</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 59, 165-166, 168.

<sup>67</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 163.

<sup>68</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 168.

<sup>69</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 169.

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

<sup>70</sup> Adjudicated Facts I, no. 151.

<sup>71</sup> Adjudicated Facts I, no. 152.

<sup>72</sup> Adjudicated Facts I, no. 153.

<sup>73</sup> Adjudicated Facts I, no. 170.

<sup>74</sup> Adjudicated Facts I, no. 171.

<sup>75</sup> Adjudicated Facts I, no. 172.

<sup>76</sup> Adjudicated Facts I, no. 154.

<sup>77</sup> Adjudicated Facts I, no. 155.

<sup>78</sup> Adjudicated Facts I, no. 156.

<sup>79</sup> Adjudicated Facts I, no. 157.

<sup>80</sup> Adjudicated Facts I, no. 158.

<sup>81</sup> Adjudicated Facts I, no. 159.

<sup>82</sup> Adjudicated Facts I, no. 160.

<sup>83</sup> Adjudicated Facts I, no. 161.

provinces, and municipalities, through information exchange and visits by Assembly deputies.<sup>84</sup>

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

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

<sup>84</sup> Adjudicated Facts I, no. 162.

<sup>85</sup> Adjudicated Facts I, no. 244.

<sup>86</sup> P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 6.

<sup>87</sup> P3008 (Law on National Defence of the Bosnian-Serb Republic, 28 February 1992), Art. 5; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Arts 83-84.

<sup>88</sup> Adjudicated Facts I, no. 163.

<sup>89</sup> Adjudicated Facts I, no. 164.

<sup>90</sup> Adjudicated Facts I, no. 165.

<sup>91</sup> Adjudicated Facts I, no. 167.

<sup>92</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 41, 69, 167, 169.

<sup>93</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 14, 41, 69.

<sup>94</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 14, 41, 69.

<sup>95</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 15, 71.

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

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

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

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

### 2.1.3 Bosnian-Serb Government

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

<sup>96</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 15

<sup>97</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 15.

<sup>98</sup> P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 54; P3007 (Constitution, 28 February 1992), Arts 91-92, 94, 97; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Arts 8, 10; P4903 (Law on the Bosnian-Serb Government, 29 September 1992).



**Patrick Treanor**, an intelligence analyst;<sup>99</sup> **Reynaud Theunens**, a military intelligence analyst;<sup>100</sup> and **Richard Butler**, an intelligence research specialist.<sup>101</sup>

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

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

<sup>99</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3.

<sup>100</sup> Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*), pp. 1-4.

<sup>101</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*).

<sup>102</sup> Adjudicated Facts I, nos 98, 100, 180.

<sup>103</sup> Adjudicated Facts I, no. 180.

<sup>104</sup> Adjudicated Facts I, no. 174.

<sup>105</sup> Adjudicated Facts I, no. 175.

<sup>106</sup> Adjudicated Facts I, no. 176.

<sup>107</sup> Adjudicated Facts I, no. 177.

<sup>108</sup> Adjudicated Facts I, no. 178.

<sup>109</sup> Adjudicated Facts I, no. 179.

<sup>110</sup> Adjudicated Facts I, no. 181.

<sup>111</sup> Adjudicated Facts I, no. 143.

<sup>112</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 179.

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

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

<sup>113</sup> Adjudicated Facts I, no. 182.

<sup>114</sup> Adjudicated Facts I, no. 183.

<sup>115</sup> Adjudicated Facts I, no. 188.

<sup>116</sup> Adjudicated Facts I, no. 189.

<sup>117</sup> Adjudicated Facts I, no. 190.

<sup>118</sup> Adjudicated Facts I, no. 191.

<sup>119</sup> Adjudicated Facts I, no. 192.

<sup>120</sup> Adjudicated Facts I, no. 184.

<sup>121</sup> Adjudicated Facts I, no. 185.

<sup>122</sup> Adjudicated Facts I, no. 186.

<sup>123</sup> P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 3.

<sup>124</sup> P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 238.

<sup>125</sup> Adjudicated Facts I, no. 201.

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

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

<sup>126</sup> Adjudicated Facts I, no. 187.

<sup>127</sup> Adjudicated Facts I, no. 193.

<sup>128</sup> Adjudicated Facts I, no. 194.

<sup>129</sup> Adjudicated Facts I, no. 195.

<sup>130</sup> Adjudicated Facts I, no. 198.

<sup>131</sup> Adjudicated Facts I, no. 199.

<sup>132</sup> Adjudicated Facts I, no. 200.

<sup>133</sup> P3007 (Constitution of the Bosnian-Serb Republic, 28 February 1992), Art. 90.

<sup>134</sup> Adjudicated Facts I, no. 196.

<sup>135</sup> Adjudicated Facts I, no. 197.

<sup>136</sup> Adjudicated Facts I, no. 211.

<sup>137</sup> Adjudicated Facts I, nos 211-212.

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

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

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

<sup>138</sup> Adjudicated Facts I, no. 213.

<sup>139</sup> Adjudicated Facts IV, no. 214.

<sup>140</sup> Adjudicated Facts IV, no. 214.

<sup>141</sup> Adjudicated Facts I, no. 241.

<sup>142</sup> Adjudicated Facts I, no. 242.

<sup>143</sup> P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 9.

<sup>144</sup> P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 10. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.2, 2.4, 2.10.

<sup>145</sup> P4904 (Law on the Ministries, 13 June 1992), p. 1, Art. 33.

<sup>146</sup> P4904 (Law on the Ministries, 13 June 1992), Art. 1.

<sup>147</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, Section 3, pp. 63-64; P4904 (Law on the Ministries, 13 June 1992), Art. 7.

<sup>148</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.2.

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

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

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

## 2.2 Regional and municipal political structures

### *2.2.1 Regional political structures*

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

#### *General*

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

<sup>149</sup> Adjudicated Facts I nos 37-38, 40, 42, 54-55, and 57 are reviewed in chapters 9.2.2.

<sup>150</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3.

<sup>151</sup> **Patrick Treanor**: P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 136, 142-143, 148. **Documentary evidence**: P3861 (Decision of SDS Executive Board, 24 February 1992); P6485 (ARK Assembly Decision on proclamation of ARK, 16 September 1991), p. 1; P4031 (Decision of the SDS Executive Board on the appointment of Vojo Krunic and Radomir Nešković as coordinators for the SAO Eastern Herzegovina, 24 February 1992), pp. 1-2; P4032 (Decision of the SDS Executive Board on the appointment of Jovo Šarac and Milovan Žugić as coordinators for the SAO Romanija, 24 February 1992), pp. 1-2; P4033 (Decision of the SDS Executive Board on the appointment of Jovo Jovanović and Milivoje Prijić as coordinators for the city of Sarajevo, 24 February 1992), pp. 1-2; P4034 (Decision of the SDS Executive Board on the appointment of Simo Mihić and Slobodan Babić as coordinators for the SAO Northern Bosnia, 24 February 1992).

<sup>152</sup> Mane Đurić, T. 27630.

<sup>153</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

<sup>154</sup> D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.

<sup>155</sup> Adjudicated Facts I, no. 110.

<sup>156</sup> Adjudicated Facts I, no. 56.

<sup>157</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 135-136.

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

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

#### ARK

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

<sup>158</sup> Adjudicated Facts I, no. 57.

<sup>159</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 137.

<sup>160</sup> P3770 (Appointment of co-ordinator between ARK and Serb autonomous regions, 21 December 1991).

<sup>161</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 157.

<sup>162</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 158.

<sup>163</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 160.

<sup>164</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 161.

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

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

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

<sup>165</sup> Adjudicated Facts I, no. 411.

<sup>166</sup> Adjudicated Facts I, no. 415.

<sup>167</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 140.

<sup>168</sup> P6485 (ARK Assembly Decision on proclamation of ARK, 16 September 1991), p. 1. *See also* P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 141.

<sup>169</sup> Adjudicated Facts I, no. 412.

<sup>170</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 142.

<sup>171</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 146.

<sup>172</sup> P3782 (Decision of the ARK Crisis Staff, 9 May 1992).



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

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

<sup>173</sup> P3937 (Instructions by the ARK Crisis Staff to ARK and Municipal Crisis Staffs, 15 May 1992), p. 2.

<sup>174</sup> P3937 (Instructions by the ARK Crisis Staff to ARK and Municipal Crisis Staffs, 15 May 1992), pp. 3-4.

<sup>175</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 142.

<sup>176</sup> Adjudicated Facts I, no. 413.

<sup>177</sup> Adjudicated Facts I, no. 416.

<sup>178</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 148.

<sup>179</sup> Adjudicated Facts I, no. 417.

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

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

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

<sup>180</sup> Adjudicated Facts I, no. 418.

<sup>181</sup> Adjudicated Facts I, no. 419.

<sup>182</sup> Adjudicated Facts I, no. 420.

<sup>183</sup> Adjudicated Facts I, no. 379.

<sup>184</sup> Adjudicated Facts I, no. 379.

<sup>185</sup> Adjudicated Facts I, no. 414.

<sup>186</sup> D444 (Minutes of the 23rd meeting of the Bosnian-Serb Presidency, 5 August 1992), p. 1.

<sup>187</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 148.

institutions. These measures were to remain in force until the Bosnian-Serb Government guaranteed that it would fund these institutions.<sup>188</sup>

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

#### *SAO Birač*

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

<sup>188</sup> P2868 (Conclusion of ARK Crisis Staff Banja Luka, 14 May 1992), p. 1.

<sup>189</sup> Adjudicated Facts IV, no. 421.

<sup>190</sup> Miloš Šolaja, T. 32753-32754.

<sup>191</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 158.

<sup>192</sup> Adjudicated Facts IV, no. 421.

<sup>193</sup> D732 (Mane Đurić, witness statement, 30 July 2014), paras 6-7.

<sup>194</sup> P7080 (Minutes from the second session of the Assembly of the SAO Birač, 5 February 1992), pp. 1, 3-4.

<sup>195</sup> P3982 (Decision of the Crisis Staff of the SAO Birač on the proclamation of state of war, 29 April 1992).

<sup>196</sup> Milenko Stanić, T. 30918; P3982 (Decision of the Crisis Staff of the SAO Birač on the proclamation of state of war, 29 April 1992).

<sup>197</sup> Milenko Stanić, T. 30922.

*The Trial Chamber's findings*

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

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

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

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

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

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

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

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

### 2.2.2 Municipal political structures

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

<sup>199</sup> The Trial Chamber received evidence on the membership of VRS personnel in the ARK Crisis Staff and will discuss this evidence in chapter 9.2.9.

<sup>200</sup> P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141.

<sup>201</sup> D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.

<sup>202</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), p. 1, paras 1-2; Witness GRM-014, T. 30331; D868 (Pseudonym sheet for Witness GRM-014).

<sup>203</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>204</sup> **Nenad Davidović**: D897 (Nenad Davidović, witness statement, 4 March 2014), paras 3, 15-16; Nenad Davidović, T. 31547. **Dorothea Hanson**: P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 23, 32, 38-39, 41, 44, 47, 49-51, 53-55. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 25, 32, 53, 56, 60; P2376 (Clarifications to statement of Witness RM-016). **Witness GRM-014**: Witness GRM-014, T. 30349-30350, 30365-30366. **Documentary evidence**: P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992);

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

### *Background*

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

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

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

<sup>205</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

<sup>206</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Patrick Treanor is also reviewed in chapter 2.1.1.

<sup>207</sup> Adjudicated Facts I, no. 7.

<sup>208</sup> Adjudicated Facts I, no. 28.

<sup>209</sup> Adjudicated Facts I, no. 29.

<sup>210</sup> Adjudicated Facts I, no. 30.

<sup>211</sup> Adjudicated Facts I, no. 31.

<sup>212</sup> Adjudicated Facts I, no. 32.

<sup>213</sup> Adjudicated Facts I, no. 33.

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

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

#### *Crisis Staffs*

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

<sup>214</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 11.

<sup>215</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 14.

<sup>216</sup> Adjudicated Facts I, no. 369.

<sup>217</sup> Adjudicated Facts I, no. 370.

<sup>218</sup> Adjudicated Facts I, no. 371. *See also* Adjudicated Facts I, no. 408.

<sup>219</sup> Adjudicated Facts I, no. 372.

<sup>220</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 13.

<sup>221</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 26.

<sup>222</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 31.

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

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

<sup>223</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 24.

<sup>224</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 23.

<sup>225</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 31.

<sup>226</sup> Adjudicated Facts I, no. 374.

<sup>227</sup> Adjudicated Facts I, no. 375.

<sup>228</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 37, 44; P3899 (Announcement by National Security Council, 4 April 1992).

<sup>229</sup> P3899 (Announcement by National Security Council, 4 April 1992).

<sup>230</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 36, 37, 44.

<sup>231</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 59.



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

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

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

<sup>232</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 44.

<sup>233</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 59.

<sup>234</sup> Miloš Šolaja, T. 32782.

<sup>235</sup> Adjudicated Facts I, no. 384.

<sup>236</sup> Adjudicated Facts I, no. 373.

<sup>237</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 39, 41. *See also* P408 (Extract from the instructions from the Bosnian-Serb Government concerning the work of Serbian crisis staffs in municipalities, 26 April 1992), paras 2, 11.

<sup>238</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 24.

<sup>239</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 40.

<sup>240</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 32.

<sup>241</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 86.

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

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

<sup>242</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 60.

<sup>243</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 31.

<sup>244</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 38.

<sup>245</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 42.

<sup>246</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 42. *See also* P4158 (Minutes of the session of the SNB and the Bosnian-Serb Government, 27 April 1992), pp. 1-2.

<sup>247</sup> Adjudicated Facts I, no. 385.

<sup>248</sup> Adjudicated Facts I, no. 386.

<sup>249</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 65. *See also* P6905 (SDS Executive Board Secretary re formation of war presidencies, 31 May 1992).

<sup>250</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 65.

<sup>251</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 60; P408 (Extract from the instructions from the Bosnian-Serb Government concerning the work of Serbian crisis staffs in municipalities, 26 April 1992), para. 14.

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

#### *War Presidencies and War Commissions*

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

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

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

<sup>252</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 65.

<sup>253</sup> Adjudicated Facts I, no. 380.

<sup>254</sup> Adjudicated Facts I, no. 387.

<sup>255</sup> Adjudicated Facts I, no. 388.

<sup>256</sup> P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 2. *See also* P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 38.

<sup>257</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 45.

<sup>258</sup> Adjudicated Facts I, no. 389.

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

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

<sup>259</sup> P410 (Minutes from a meeting of the Bosnian-Serb Government, 23 May 1992), para. 4. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 46.

<sup>260</sup> P401 (Instructions for municipal presidencies, 24 May 1992).

<sup>261</sup> Adjudicated Facts I, no. 390.

<sup>262</sup> Adjudicated Facts I, no. 391.

<sup>263</sup> Adjudicated Facts I, no. 392.

<sup>264</sup> P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.

<sup>265</sup> P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992).

<sup>266</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.

<sup>267</sup> Adjudicated Facts I, no. 393. The Trial Chamber understands, in light of Adjudicated Facts I, nos 390-392, that ‘membership’ refers to the previous members.

<sup>268</sup> Adjudicated Facts I, no. 390.

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

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

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

<sup>269</sup> P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.

<sup>270</sup> P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 48.

<sup>271</sup> P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.

<sup>272</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 53.

<sup>273</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 54.

<sup>274</sup> Adjudicated Facts I, no. 394.

<sup>275</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 50.

<sup>276</sup> P3692 (Minutes of the meeting of Presidency of the Bosnian-Serb Republic, 10 June 1992), p. 1. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 50, 53.

<sup>277</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.

<sup>278</sup> Adjudicated Facts I, no. 398.

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

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

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

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

<sup>279</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.

<sup>280</sup> Adjudicated Facts I, no. 399.

<sup>281</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.

<sup>282</sup> Adjudicated Facts I, no. 401.

<sup>283</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 28.

<sup>284</sup> D925 ('Crisis Staffs Abolished', 7 July 1992), p. 1.

<sup>285</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 84.

<sup>286</sup> P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 53.

<sup>287</sup> P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109.

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

*The Trial Chamber's findings*

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

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

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

<sup>288</sup> P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109, footnote 213.

<sup>289</sup> P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109.

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

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



### 3. Bosnian-Serb military and police structures

#### 3.1 VRS

##### 3.1.1 Establishment and structure

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

<sup>290</sup> Prosecution Final Brief, paras 11, 27-28, 32-36.

<sup>291</sup> Defence Final Brief, paras 601-607, 625-627.

<sup>292</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 1, 7.

<sup>293</sup> Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.

<sup>294</sup> P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.

<sup>295</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).

<sup>296</sup> **Đorđe Đukić**: P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. **Reynaud Theunens**: P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 72. **Ewan Brown**: P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 1.6, 1.15-1.16. **Richard Butler**: P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1. **Documentary evidence**: P338 (Analysis of the combat readiness and activities of the VRS, April 1993), pp. 69, 75. P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1. P7190 ('Defending Krajina', 1KK Bulletin, 28 June 1992), p. 1. P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54.

<sup>297</sup> P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

<sup>298</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21.

<sup>299</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

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

### *Establishment*

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

<sup>300</sup> D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).

<sup>301</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

<sup>302</sup> D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.

<sup>303</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>304</sup> Adjudicated Facts I, nos 290, 359.

<sup>305</sup> P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.

<sup>306</sup> P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1.

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

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

<sup>307</sup> P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.

<sup>308</sup> Adjudicated Facts III, no. 1769. *See also* Agreed Facts I, no. 24.

<sup>309</sup> Adjudicated Facts I, no. 302.

<sup>310</sup> P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 22.

<sup>311</sup> Adjudicated Facts I, no. 303.

<sup>312</sup> Adjudicated Facts I, no. 245.

<sup>313</sup> Adjudicated Facts I, no. 249.

<sup>314</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 1.6.

<sup>315</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 1.6; P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54.

<sup>316</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 1.6.

<sup>317</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 1.15, 1.22.

Constitution and the law, the Bosnian-Serb Presidency was supposed to command the VRS both in times of peace and in times of war.<sup>318</sup>

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

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

<sup>318</sup> P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 52-53.

<sup>319</sup> For further details on the VRS Main Staff, *see* chapter 3.1.3.

<sup>320</sup> P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 75; P2906 (Decision on the forming, organisation, establishment, and command and control of the VRS, 15 June 1992), para.

3.

<sup>321</sup> Adjudicated Facts I, no. 306.

<sup>322</sup> P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 75.

<sup>323</sup> Adjudicated Facts I, no. 306.

<sup>324</sup> P4960 (Proposal on structure of the VRS, 26 May 1992), p. 1.

<sup>325</sup> P4960 (Proposal on structure of the VRS, 26 May 1992), p. 2.

<sup>326</sup> P7348 (Order on the renaming of TO staffs and TO units by Svetozar Andrić, 8 June 1992).

**Svetozar Andrić**, the implementation of these orders took several weeks and up until the end of 1992 in some municipalities.<sup>327</sup>

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

### *Structure*

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

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

<sup>327</sup> Svetozar Andrić, T. 34738, 34758.

<sup>328</sup> P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 70.

<sup>329</sup> P2906 (Decision on the forming, organisation, establishment, and command and control of the VRS, 15 June 1992), para. 3.

<sup>330</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16.

<sup>331</sup> Adjudicated Facts I, nos 248, 304.

<sup>332</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16.

<sup>333</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1.

<sup>334</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16. *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 72.

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

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

<sup>335</sup> P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15; P2204 (Diagram of VRS DK Structure, July 1995), p. 1.

<sup>336</sup> P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15.

<sup>337</sup> P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15.

<sup>338</sup> P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), pp. 15, 17.

<sup>339</sup> P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 17.

<sup>340</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.17. For further details *see* chapter 2.1.1.

<sup>341</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.18.

<sup>342</sup> P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.18.

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

#### *Ethnic composition*

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

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

<sup>343</sup> Reynaud Theunens, T. 20266. *See also* P1577 (Instructions on command and control over the security and intelligence organs of the VRS from Zdravko Tolimir, 24 October 1994).

<sup>344</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 70-71.

<sup>345</sup> P1577 (Main Staff Order of 24 October 1994), p. 2.

<sup>346</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 66.

<sup>347</sup> P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 313, 316-317.

<sup>348</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 3; Velimir Kevac, T. 30448-30451, 30453-30454.

<sup>349</sup> Velimir Kevac, T. 30448-30451, 30453-30454.

<sup>350</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), paras 64-65.

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

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

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

#### *The Trial Chamber's findings*

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

<sup>351</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 58.

<sup>352</sup> Miloš Šolaja, T. 32776.

<sup>353</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 38.

<sup>354</sup> D97 (Memorandum from the 30th Partisan Division Command, 21 June 1992), p. 1.

<sup>355</sup> Adjudicated Facts I, no. 253.

<sup>356</sup> Adjudicated Facts I, no. 246.



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

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

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

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

<sup>357</sup> D656 (Stojan Malčić, witness statement, 26 June 2014), para. 25.

### 3.1.2 VRS's corps

#### *First Krajina Corps*

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

<sup>358</sup> Witnesses in their testimony as well as documentary evidence referred to names of 1KK's units using different short forms. Based on the list of the 1KK's units in P2859 (para. 3.58), Witness RM-015's testimony (P2362, para. 88), and P3812 (p. 4), the Trial Chamber determined which unit was referred to and used the respective short form.

<sup>359</sup> Prosecution Final Brief, paras 98, 255-262.

<sup>360</sup> Defence Final Brief, para. 654.

<sup>361</sup> Defence Final Brief, paras 1166-1169.

<sup>362</sup> D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

<sup>363</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

<sup>364</sup> P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.

<sup>365</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

<sup>366</sup> D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504.

<sup>367</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4, 7; Vojin Ubiparip, T. 31182-31184.

<sup>368</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 21, 23.

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

<sup>369</sup> **Boško Kelečević**: D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 9; Boško Kelečević, T. 37131. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), para. 20. **Ewan Brown**: P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.35, 1.72, 1.76, 3.5. **Boško Amidžić**: Boško Amidžić, T. 29496, 29505. **Branko Davidović**: Branko Davidović, T. 26519. **Vojin Ubiparip**: D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 2. **Velimir Kevac**: D871 (Velimir Kevac, witness statement, 31 July 2014), para. 4.

<sup>370</sup> D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527.

<sup>371</sup> P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.

<sup>372</sup> D1402 (Mile Matijević, witness statement, 17 June 2015), paras 2-3, 5.

<sup>373</sup> D887 (Slobodan Župljanin, witness statement, 4 July 2014), p. 1, para. 7; Slobodan Župljanin, T. 30940-30941; P7089 (Article titled 'Brave Men from Vrbanja', April/May 1994), p. 2.

<sup>374</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.

<sup>375</sup> D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.

<sup>376</sup> P3465 (Prosecution interview with Danko Gojković, 16 May 2006), pp. 2-4, 7.

<sup>377</sup> D790 (Ostoja Barašin, witness statement, 19 June 2014), para.16.

<sup>378</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 4-5. Part of the evidence of Miloš Šolaja is reviewed in chapter 9.3.8.

<sup>379</sup> D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 2-3, 8; Čedo Šipovac, T. 28177, 28180.

<sup>380</sup> D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

<sup>381</sup> P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.

<sup>382</sup> D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 3.

<sup>383</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

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

*Organization and area of responsibility*

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

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

<sup>384</sup> D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

<sup>385</sup> D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.

<sup>386</sup> D863 (Zdravka Karlica, witness statement, 17 March 2014), p. 1, para. 1.

<sup>387</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.

<sup>388</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992).

<sup>389</sup> P2864 (Record of hand-over of duty, 19 March 1992). *See also* P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.5.

<sup>390</sup> D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 8; Boško Kelečević, T. 37131.

<sup>391</sup> P4949 (Order on the admission and training of military transcripts into the 5th Corps by Major General Talić, 18 May 1992), p. 1.

<sup>392</sup> Adjudicated Facts I, no. 304.

<sup>393</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 20.

<sup>394</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.35, 1.73.

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

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

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

<sup>395</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 11; D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 9; P4381 (VRS Main Staff order, 4 June 1992), p. 2; P5136 (Map of 1KK zone of responsibility, undated); Boško Kelečević, T. 37175.

<sup>396</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.72.

<sup>397</sup> P7464 (Press article from 'Glas' entitled 'The army stays here', 31 April and 1 and 2 May 1992, p. 3. See also Boško Kelečević, T. 37173-37175.

<sup>398</sup> Osman Selak, T. 2974-2975; P249 (Map 4 showing the locations of units of the 1KK after 18 May 1992), p. 1.

<sup>399</sup> Osman Selak, T. 2975.

<sup>400</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 20

<sup>401</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), paras 10, 25, 66; Boško Amidžić, T. 29495-29496, 29498-29499, 29507. See also P244 (Osman Selak, witness statement, 13 July 2000), paras 26, 30; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.72.

<sup>402</sup> P244 (Osman Selak, witness statement, 13 July 2000), paras 26, 30; D847 (Boško Amidžić, witness statement, 25 June 2014), para. 10; Boško Amidžić, T. 29496; Milivoje Simić, T. 32532-32533.

<sup>403</sup> Milivoje Simić, T. 32532-32533.

<sup>404</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.

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

*Communication system and chain of command*

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

<sup>405</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.23-3.24, 3.41, 3.48; Boško Amidžić, T. 29496; Boško Kelečević, T. 37131.

<sup>406</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.50; Boško Amidžić, T. 29505; Slobodan Župljanin, T. 30950; Boško Kelečević, T. 37144; Mile Matijević, T. 43078.

<sup>407</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), paras 25, 66; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.51; Boško Amidžić, T. 29498-29499, 29502; Boško Kelečević, T. 37142-37143.

<sup>408</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.53, 3.53-3.54; Witness RM-051, T. 2904-2905; Stojan Malčić, T. 26228; Ostoja Barašin, T. 28688-28689; Boško Amidžić, T. 29505; Milivoje Simić, T. 32539; Boško Kelečević, T. 37144; Dragić Gojković, T. 37555.

<sup>409</sup> Slobodan Župljanin, T. 30948.

<sup>410</sup> P3951 (Report of the 1KK, addressed to the VRS Main Staff, 3 September 1992), p. 2.

<sup>411</sup> Boško Kelečević, T. 37160-37161.

<sup>412</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.

<sup>413</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.26.

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

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

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

<sup>414</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.26-3.40. *See also* P247 (1KK Report, 27 May 1992).

<sup>415</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.33-3.34.

<sup>416</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.35. *See also* D1999 (Warning issued by the 1KK Command, 5 July 1992), p. 1.

<sup>417</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 19.

<sup>418</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 20.

<sup>419</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 21.

<sup>420</sup> P244 (Osman Selak, witness statement, 13 July 2000), paras 21, 25.

<sup>421</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 29.

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

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

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

<sup>422</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 27.

<sup>423</sup> Boško Kelečević, T. 37146, 37205-37206.

<sup>424</sup> Boško Kelečević, T. 37146-37147.

<sup>425</sup> Boško Kelečević, T. 37206.

<sup>426</sup> Boško Kelečević, T. 37147-37148, 37207.

<sup>427</sup> Boško Kelečević, T. 37207.

<sup>428</sup> Boško Kelečević, T. 37148.

<sup>429</sup> P7191 ('Serbs are the noblest people', the Krajina Soldier, June 1993), p. 7.

<sup>430</sup> P244 (Osman Selak, witness statement, 13 July 2000), paras 3, 7.

<sup>431</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 6.

<sup>432</sup> P244 (Osman Selak, witness statement, 13 July 2000), paras 8, 33.

<sup>433</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 9.

<sup>434</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 10.



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

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

<sup>435</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5270-5271.

<sup>436</sup> Boško Amidžić, T. 29506, 29525.

<sup>437</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 74.

<sup>438</sup> See for example: P151 (1KK regular combat report 44/1-155 signed by Talić, 31 May 1992); P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992); P3951 (Report of the 1KK, addressed to the VRS Main Staff, 3 September 1992); P3877 (Regular Combat Report to the VRS Main Staff, 8 August 1992); P3890 (1KK Command combat report, 24 May 1992); P3902 (1KK Command report, 9 June 1992); P4041 (Regular Combat Report, addressed to the VRS Main Staff, 18 August 1992); P4015 (1KK Command combat report, 31 May 1992); P4042 (Regular Combat Report of the 1KK, addressed to the VRS Main Staff, 29 August 1992); P4950 (Report no. 18-168/1, from the 1KK to the VRS Main Staff on the control of weapons and equipment issued to the TO at the beginning of the conflict in Croatia and the Bosnian-Serb Republic, 31 August 1992); P5139 (Regular combat report by 1KK Commander Momir Talić, 7 June 1992); P5152 (Report of the 1KK Command, 2 October 1992); P6988 (Report on consumption of material in the 1KK from 1 May to 1 October 1992, 9 October 1992), pp. 1-4; P7390 (1KK Command report on current issues of combat morale addressed to the VRS Main Staff, 30 September 1992). See also Boško Amidžić, T. 29513.

<sup>439</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4; Miloš Šolaja, T. 32729-32730.

<sup>440</sup> Miloš Šolaja, T. 32730-32731.

<sup>441</sup> Ostoja Barašin, T. 28692, 28767.

<sup>442</sup> P338 (Report of the Main Staff on the combat readiness and activities of the VRS in 1992, April 1993), pp. 1, 45, 52.

### *Units*

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

### *43rd Motorised Brigade*

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

<sup>443</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.

<sup>444</sup> P3812 (Proposal for the 1KK structure and organisation, 27 May 1992), pp. 1, 4.

<sup>445</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.58-3.59.

<sup>446</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 11.

<sup>447</sup> Boško Kelečević, T. 37153-37154.

<sup>448</sup> Čedo Šipovac, T. 28180-28181.

<sup>449</sup> D766 (Čedo Šipovac, witness statement, 18 January 2014), para. 8; Čedo Šipovac, T. 28180-28181.

<sup>450</sup> Čedo Šipovac, T. 28190-28191.

<sup>451</sup> D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 14; Boško Kelečević, T. 37249-37251.

Captain Milanko Savić and the battalion's intelligence officer was Lieutenant Milenko Malić.<sup>452</sup>

123. **Slavko Puhalić** testified that both his superior, Trnopolje camp commander Slobodan Kuruzović, and himself were members of the 43rd Motorized Brigade.<sup>453</sup>

**Zdravka Karlica** testified that on 16 September 1991, her husband, Zoran Karlica, was mobilized as a reserve 1st class captain and reported to the 343rd Motorised Brigade, a.k.a. the 'Prijedor Motorized Brigade'.<sup>454</sup> From 2 March 1992, Zoran Karlica was permanently on duty at the Žarko Zgonjanin barracks in Prijedor.<sup>455</sup> In May, Zoran Karlica was the Commander of the reconnaissance company of the 343rd Motorised Brigade,<sup>456</sup> which included, *inter alios*, Dragan Škrbić, Željko Zgonjanin a.k.a. Čupo, and Stojan Madžar.<sup>457</sup>

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

125. According to July 1992 records of the Public Prosecutor's Office and the Prijedor Lower Court, Duško Knežević and Žoran Žigić were members of the 'Zoran Karlica' Sabotage and Reconnaissance Unit of the 43rd Motorised Brigade.<sup>459</sup>

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

<sup>452</sup> P354 (Mladić notebook, 16 July 1992 - 9 September 1992), p. 44.

<sup>453</sup> Slavko Puhalić, T, 31706. *See also* T. 31664-31666.

<sup>454</sup> D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 2.

<sup>455</sup> D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 5.

<sup>456</sup> D863 (Zdravka Karlica, witness statement, 17 March 2014), paras 9-11.

<sup>457</sup> D863 (Zdravka Karlica, witness statement, 17 March 2014), paras 13, 15.

<sup>458</sup> P354 (Mladić notebook, 16 July 1992 - 9 September 1992), p. 44.

<sup>459</sup> On 8 July 1992, Duško Knežević of the Sabotage and Reconnaissance Unit with military post no. 4777/3, Prijedor, requested the Public Prosecutor's office in Prijedor to release 'our soldier' Zoran Žigić, 'because our Sabotage and Reconnaissance Unit is getting ready to go to the front in Derventa'. Knežević remarked that Žigić was the Sabotage and Reconnaissance Unit's 'best expert on explosive' [*sic*]. The following day, on 9 July 1992, the Prijedor Lower Court issued a decision, based on a proposal by the Public Prosecutor's Office, ordering that Žoran Žigić be released from custody effective immediately as his case file showed 'information which shows the necessity for the accused to be engaged in the "Zoran Karlica" unit as an excellent and capable worker - soldier who is knowledgeable about [*sic*] explosives.' *See* P7204 (Letter by Knežević to Public Prosecutor's office regarding the release of Žigić), p. 1; P7205 (Decision by the Lower Court of Prijedor, 9 July 1992), p. 1. In light of the evidence reviewed in this chapter, the Trial Chamber is convinced that the 'Zoran Karlica' Sabotage and Reconnaissance Unit was the Sabotage and Reconnaissance Unit of the 43rd Motorised Brigade. This unit was sometimes referred to as a 'scouting company/platoon', 'pioneer platoon', 'sabotage company', or 'reconnaissance company' of the 43rd Motorised Brigade, whose first commander was Zoran Karlica. In its Judgment, the Trial Chamber refers to this unit as the Sabotage and Reconnaissance Unit of the 43rd Motorised Brigade.

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

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

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

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

<sup>460</sup> P3841 (Interview with Radmilo Željaja published in *Kozarski Vjesnik*, 20 May 1994), p. 5.

<sup>461</sup> P3852 (Article in *Kozarski Vjesnik* titled 'To the Pride and Honour of the Fatherland, 20 May 1994), p. 1.

<sup>462</sup> P3852 (Article in *Kozarski Vjesnik* titled 'To the Pride and Honour of the Fatherland, 20 May 1994), p. 2.

<sup>463</sup> P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 1.

<sup>464</sup> P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 1.

<sup>465</sup> P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 2.

<sup>466</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 6.

<sup>467</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 3.

<sup>468</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 3.

<sup>469</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 7.

<sup>470</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 4.

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

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

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

#### *5th Kozara Brigade*

132. **Javorić** testified that in 1991 the 5th Partisan Brigade, later renamed the 5th Kozara Brigade, was stationed in Prijeđor in the same barracks as the 43rd Motorised Brigade.<sup>477</sup>

#### *6th Krajina Light Infantry Brigade*

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

<sup>471</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 6.

<sup>472</sup> P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 7.

<sup>473</sup> P7028 (Video clip regarding the 43rd Brigade from July 1994 with transcript, undated), p. 1; Zdravka Karlica, T. 30162, 30167.

<sup>474</sup> P7028 (Video clip regarding the 43rd Brigade from July 1994 with transcript, undated), p. 2.

<sup>475</sup> P3277 (Article in *Kozarski Vjesnik* on awarding members of the 43rd Motorized Brigade, 1 July 1994), p. 1.

<sup>476</sup> P3277 (Article in *Kozarski Vjesnik* on awarding members of the 43rd Motorized Brigade, 1 July 1994), p. 5.

<sup>477</sup> D895 (Rade Javorić, witness statement, 26 June 2014), para. 4.

<sup>478</sup> D675 (Branko Davidović, witness statement, 30 June 2014), para. 17.

<sup>479</sup> P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.99.

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

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

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

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

<sup>480</sup> D675 (Branko Davidović, witness statement, 30 June 2014), paras 10, 12-13; D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4; D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; P2362 (Witness RM-015, witness statement, 13 March 2002), para. 88; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 5; Branko Basara, T. 34386, 34401.

<sup>481</sup> D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. *See also* D675 (Branko Davidović, witness statement, 30 June 2014), para. 17; D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 3; P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6100.

<sup>482</sup> D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4.

<sup>483</sup> D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 8.

<sup>484</sup> P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 5.

<sup>485</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), para. 88.

<sup>486</sup> D1031 (Branko Basara, witness statement, 21 July 2014), para. 18.

<sup>487</sup> D1031 (Branko Basara, witness statement, 21 July 2014), para. 23; Branko Basara, T. 34398.

<sup>488</sup> D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.

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

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

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

#### *Vlašić Operational Group*

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

<sup>489</sup> D1031 (Branko Basara, witness statement, 21 July 2014), para. 22; Branko Basara, T. 34412.

<sup>490</sup> Branko Basara, T. 34403-34406, 34412.

<sup>491</sup> Branko Basara, T. 34406-34407.

<sup>492</sup> Branko Basara, T. 34408-34410.

<sup>493</sup> Branko Basara, T. 34404-34409.

<sup>494</sup> D675 (Branko Davidović, witness statement, 30 June 2014), para. 34.

<sup>495</sup> Branko Davidović, T. 26505.

<sup>496</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), para. 133.

<sup>497</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), para. 102; Witness RM-015, T. 17289.

<sup>498</sup> D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.

<sup>499</sup> D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.

<sup>500</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 51.

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

#### *22nd Brigade*

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

#### *1st Kotor Varoš Brigade*

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

<sup>501</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 48, 52.

<sup>502</sup> Slobodan Župljanin, T. 30941-30942, 30953.

<sup>503</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), para. 2.

<sup>504</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 2.

<sup>505</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 3. *See also* D674 (Obrad Bubić, witness statement, 14 February 2014), para. 2; Obrad Bubić, T. 26455.

<sup>506</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 3.

<sup>507</sup> Slobodan Župljanin, T. 30949. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), paras 45-46, 48, 51.

<sup>508</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 52.

<sup>509</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 55.

<sup>510</sup> Slobodan Župljanin, T. 30951.

<sup>511</sup> Vojislav Kršić, T. 29278.

<sup>512</sup> Vojislav Kršić, T. 29278-29279, 29310-29311; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992). *See also* Slobodan Župljanin, T. 30940; P439 (Witness RM-802, witness statement, 25 April 2012), para. 46.



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

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

<sup>513</sup> Vojislav Kršić, T. 29279.

<sup>514</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 6; Vojislav Kršić, T. 29276-29277.

<sup>515</sup> Vojislav Kršić, T. 29280.

<sup>516</sup> Vojislav Kršić, T. 29281.

<sup>517</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 4; Vojislav Kršić, T. 29306

<sup>518</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 5.

<sup>519</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 25; Vojislav Kršić, T. 29303-29305.

<sup>520</sup> Vojislav Kršić, T. 29304-29305.

<sup>521</sup> P851 (List of 46th Kotor Varoš Brigade Members), p. 1; P6807 (Order of the Commander of the Kotor Varoš Light Infantry Brigade, 8 June 1992).

<sup>522</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 46.

<sup>523</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 7.

*Operational Group Doboj*

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

*30th Division*

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

<sup>524</sup> D921 (Milivoje Simić, witness statement, 24 July 2014), paras 8-15; Milivoje Simić, T. 32531.

<sup>525</sup> D921 (Milivoje Simić, witness statement, 24 July 2014), para. 16.

<sup>526</sup> D921 (Milivoje Simić, witness statement, 24 July 2014), para. 18.

<sup>527</sup> D921 (Milivoje Simić, witness statement, 24 July 2014), para. 20.

<sup>528</sup> Milivoje Simić, T. 32533.

<sup>529</sup> Boško Amidžić, T. 29515; *see also* P6989 (Request to the First Krajina Corps for approval to purchase ammunition and spare parts, 14 April 1994), pp. 1-2.

<sup>530</sup> Boško Amidžić, T. 29515-29516; P6989 (Request to the First Krajina Corps for approval to purchase ammunition and spare parts, 14 April 1994), pp. 1-2.

<sup>531</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), paras 1, 4.

<sup>532</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 4.

<sup>533</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6.

<sup>534</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6; Velimir Kevac, T. 30449.

<sup>535</sup> Velimir Kevac, T. 30449.

senior officers, making it difficult for the units to function properly.<sup>536</sup> ‘After a while’ this problem was addressed through the centre for training in the former school for training armoured units in Banja Luka.<sup>537</sup>

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

#### *Military Police Units*

146. **Witness RM-015** testified that three military police units were established in Sanski Most Municipality, including the ‘legitimate’ military police unit formed by Colonel Basara.<sup>541</sup>

#### *The Trial Chamber’s findings*

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

<sup>536</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6; Velimir Kevac, T. 30449.

<sup>537</sup> Velimir Kevac, T. 30455.

<sup>538</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5.

<sup>539</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5; Velimir Kevac, T. 30466-30468.

<sup>540</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5; Velimir Kevac, T. 30467-30468.

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

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

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

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

<sup>541</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), para. 102.

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

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

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

### *Second Krajina Corps*

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

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

<sup>542</sup> Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608. Part of Grujo Borić's evidence is reviewed in chapter 4.6.1.

<sup>543</sup> D757 (Dušan Kukobat, witness statement, 23 June 2014), paras 1-3, 6.

<sup>544</sup> D877 (Milorad Zorić, witness statement, 29 July 2014), p. 1, paras 1, 18; Milorad Zorić, T. 30682.

<sup>545</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

<sup>546</sup> Grujo Borić, T. 34585-34586, 34603-34604.

<sup>547</sup> P7342 (VRS Main Staff certification of appointment of Grujo Borić to the rank of Major-General).

<sup>548</sup> Grujo Borić, T. 34680-34681.

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

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

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

<sup>549</sup> P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 1.

<sup>550</sup> P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), pp. 1-9.

<sup>551</sup> P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 1. See also D2073 (Škrbić article published in *Srpska vojska*, 9 May 1994), pp. 1-2.

<sup>552</sup> P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 2.

<sup>553</sup> P4381 (VRS Main Staff order, 4 June 1992), pp. 1-2.

<sup>554</sup> P4052 (Explanation concerning the re-subordination of troops, 9 June 1992). See also P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.95.

<sup>555</sup> P4052 (Explanation concerning the re-subordination of troops, 9 June 1992).

<sup>556</sup> Grujo Borić, T. 34586.

<sup>557</sup> P3910 (Order issued by Grujo Borić, Commander of the 2KK on forming POW camps, 25 June 1992); P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992); P7336 (2KK Command order signed by Borić for further operations, 8 June 1992); P7343 (2KK order signed by Borić on the collection of war booty, 7 June 1992); P7499 (Order from Grujo Borić, Commander of the 2KK, 27 June 1992).

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

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

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

<sup>558</sup> Grujo Borić, T. 34586, 34647, 34702. For Major Mitrović's first name *see* P7341 (VRS Main Staff order promoting Mikajlo Mitrović to the rank of Lieutenant-Colonel, 7 January 1993).

<sup>559</sup> Grujo Borić, T. 34647, 34679; P7341 (VRS Main Staff order promoting Mikajlo Mitrović to the rank of Lieutenant-Colonel, 7 January 1993).

<sup>560</sup> Grujo Borić, T. 34668-34669; P7338 (2KK command request for approval for negotiations regarding the exchange of prisoners, 13 November 1994), p. 1.

<sup>561</sup> D757 (Dušan Kukobat, witness statement, 23 June 2014), para. 3; Dušan Kukobat, T. 28013-28014.

<sup>562</sup> Milorad Zorić, T. 30682. *See also* P5083 (Letter from Major General Tomanić on St Vitus Day, 27 June 1995), pp. 1-2.

<sup>563</sup> Grujo Borić, T. 34591, 34676-34677.

<sup>564</sup> Grujo Borić, T. 34589-34590.

<sup>565</sup> Grujo Borić, T. 34681-34682.

<sup>566</sup> Grujo Borić, T. 34597-34598; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 6-7; P7336 (2KK Command order for further operations, 8 June 1992), p. 8.

<sup>567</sup> Grujo Borić, T. 34597-34598.

<sup>568</sup> Grujo Borić, T. 34626, 34628; P7331 (Excerpts from transcript of Prosecution interview with Grujo Borić, 21-23 April 2004), p. 6.

<sup>569</sup> Grujo Borić, T. 34615-34616.



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

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

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

<sup>570</sup> Grujo Borić, T. 34616.

<sup>571</sup> Grujo Borić, T. 34625-34626; P7331 (Excerpts from transcript of Prosecution interview with Grujo Borić, 21-23 April 2004), p. 7.

<sup>572</sup> Grujo Borić, T. 34616-34617.

<sup>573</sup> Grujo Borić, T. 34593-34594, 34628.

<sup>574</sup> Grujo Borić, T. 34655.

<sup>575</sup> P7334 (Daily report from the 17th Light Infantry Brigade to the 2KK Command, 12 June 1992); P7335 (Daily report from the 17th Light Infantry Brigade to the 2KK Command, 13 June 1992).

<sup>576</sup> Grujo Borić, T. 34650; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 19.

<sup>577</sup> Grujo Borić, T. 34650. For Samardžija's first name *see* P3754 (Order from the Command of the Light Infantry Brigade signed by Drago Samardžija).

<sup>578</sup> Grujo Borić, T. 34650.

<sup>579</sup> P7327 (2KK document containing date on active servicemen transferred from the FRY, 4 February 1993), pp. 1-5.

<sup>580</sup> Grujo Borić, T. 34614; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 16.

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

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

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

<sup>581</sup> P7326 (2KK command document regulating the status in service of active military personnel, 10 July 1992), p. 1.

<sup>582</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 9.

<sup>583</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

### *East Bosnia Corps*

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

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

<sup>584</sup> Adjudicated Facts 248 and 1769 are reviewed in chapter 3.1.1.

<sup>585</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. Đukić's evidence is reviewed in chapter 3.1.2 *Second Krajina Corps*.

<sup>586</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).

<sup>587</sup> **Richard Butler**: P2210 (VRS Main Staff Command Responsibility Report, 9 June 2006), p. 4. **Đorđe Đukić**: P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

<sup>588</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. Witness RM-513's evidence is also reviewed in chapter 9.2.8.

<sup>589</sup> Milenko Todorović, T. 19835, 19837.

<sup>590</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28483-28485.

<sup>591</sup> D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).

<sup>592</sup> D512 (Dragomir Andan, witness statement, 6 June 2014), paras 5-7; Dragomir Andan, T. 22386-22388, 22396, 22437. Andan's evidence is reviewed in chapter 9.2.8.

<sup>593</sup> P2906 is reviewed in chapter 3.1.1.

<sup>594</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1, 1.6.

Corps), the 2KK (from the JNA 10th Corps), the IBK (from the JNA 17th Corps), the SRK (from the JNA 4th Corps), and the HK (from elements of the JNA 9th Corps).<sup>595</sup>

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

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

<sup>595</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.1.

<sup>596</sup> P4381 (VRS Main Staff order, 4 June 1992), pp. 2-3.

<sup>597</sup> P7346 (Order by IBK Command, 30 May 1992). *See also* Svetozar Andrić, T. 34740.

<sup>598</sup> P3911 (IBK Command order, 3 June 1992).

<sup>599</sup> Witness RM-513, T. 9264-9265.

<sup>600</sup> P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), p. 1. *See also* P188 (IBK Daily operations report, 7 June 1992); P3738 (Order for combat activities and tasks for the IBK Brigades, signed by Dragutin Ilić as the IBK Commander, 7 June 1992)

<sup>601</sup> P1061 (Transcript of an interview with Ljubiša Savić a.k.a. Mauzer, 1 July 1992).

<sup>602</sup> P355 (Mladić notebook, 10-30 September 1992), pp. 40-41.

<sup>603</sup> P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), pp. 1-2.

<sup>604</sup> P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), p. 2.

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

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

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

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

<sup>605</sup> P3674 (Order by Mladić on the formation of the units in the IBK, 16 June 1992), p. 1.

<sup>606</sup> P3674 (Order by Mladić on the formation of the units in the IBK, 16 June 1992), pp. 1-2.

<sup>607</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28484-28485, 28515-28516. *See also* P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12929-12930, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.

<sup>608</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28485.

<sup>609</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28647-28648.

<sup>610</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), p. 12930; Milenko Todorović, T. 19817-19818.

<sup>611</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28647-28648. *See also* P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12929-12930, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.

<sup>612</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28680.

<sup>613</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28551, 28680.

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

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

### ***Herzegovina Corps***

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

<sup>614</sup> P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28680.

<sup>615</sup> Adjudicated Facts 248 and 1769 are reviewed in chapter 3.1.1.

<sup>616</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 6, 7. Đukić's evidence is reviewed in chapter 3.1.2 *Second Krajina Corps*.

<sup>617</sup> Mitar Kovač, T. 41295.

<sup>618</sup> D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

<sup>619</sup> P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

<sup>620</sup> D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372.

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

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

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

<sup>621</sup> P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.

<sup>622</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

<sup>623</sup> D581 (Zoran Nikolić, witness statement, 8 March 2014), para. 1.

<sup>624</sup> P982 (Witness RM-013, witness statement, 22 October 1995), p. 1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1.

<sup>625</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>626</sup> D685 (Witness GRM-277, witness statement, 8 June 2014), p. 1, paras 1-2, 10; Witness GRM-277, T. 26711-26712.

<sup>627</sup> P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1.

<sup>628</sup> P1963 is reviewed in chapters 9.3.3 and 9.5.3; P2906 is reviewed in chapter 3.1.1; P3677 and P3680 is reviewed in chapter 9.3.2.

<sup>629</sup> P4381 (VRS Main Staff order, 4 June 1992), p. 3.

<sup>630</sup> Mitar Kovač, T. 41318, 41463. *See also* Boško Kelečević, T. 37166-37167; P2825 (Decree on the exceptional promotion of Colonel Radovan Grubač, 19 December 1992); P2829 (Excerpt from the personnel file of General Major Radovan Grubač), p. 5.

<sup>631</sup> Mitar Kovač, T. 41463.

<sup>632</sup> D583 (Veselinko Simović, witness statement, 8 June 2014), para. 7; Veselinko Simović, T. 24372.

<sup>633</sup> D583 (Veselinko Simović, witness statement, 8 June 2014), para. 7; Veselinko Simović, T. 24374-24375.

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

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

<sup>634</sup> Veselinko Simović, T. 24375, 24424.

<sup>635</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 77; P2423 (Witness RM-070, prior testimony), p. 1491; D581 (Zoran Nikolić, witness statement, 8 March 2014), para. 9; Zoran Nikolić, T. 24275, 24348-24349.

<sup>636</sup> D583 (Veselinko Simović, witness statement, 8 June 2014), para. 13; Veselinko Simović T. 24389-24390.

<sup>637</sup> Veselinko Simović, T. 24392-24393.

<sup>638</sup> Veselinko Simović, T. 24392.

<sup>639</sup> Veselinko Simović, T. 24393-24394; P6684 (Municipal Secretariat of National Defence Trebinje, Monitoring and Information Centre document, 2 August 1992).

<sup>640</sup> Veselinko Simović, T. 24393.

<sup>641</sup> Veselinko Simović, T. 24394; P6684 (Municipal Secretariat of National Defence Trebinje, Monitoring and Information Centre document, 2 August 1992), para. 2.

<sup>642</sup> Veselinko Simović, T. 24394.

<sup>643</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 58-59, 66.

<sup>644</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 68; Witness RM-048, T. 8823-8824.

<sup>645</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 68; Witness RM-048, T. 8824.

<sup>646</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 70-71, 76.



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

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

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

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

<sup>647</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 70-71.

<sup>648</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 81.

<sup>649</sup> Trivko Pljevaljčić, T. 27221.

<sup>650</sup> Trivko Pljevaljčić, T. 27222.

<sup>651</sup> Trivko Pljevaljčić, T. 27221-27223.

<sup>652</sup> Trivko Pljevaljčić, T. 27223-27225.

<sup>653</sup> Witness GRM-277, T. 26715-26716.

<sup>654</sup> Zoran Nikolić, T. 24301-24306.

<sup>655</sup> P6683 (Proposal that Gojko Janković be proclaimed military leader, signed by Marko Kovač, 13 August 1993)

<sup>656</sup> Witness RM-013, T. 8897-8898.

<sup>657</sup> Zoran Nikolić, T. 24306-24308.

<sup>658</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 6.

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

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

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

<sup>659</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 6. *See also* P355 (Mladić notebook, 10-30 September 1992), pp. 60, 66.

<sup>660</sup> P2852 (Excerpt from video interview with Miroslav Stanić, undated).

<sup>661</sup> P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 2.

<sup>662</sup> P4150 (Order to pursue combat activities from the Command of the Kalinovik Tactical Group addressed to the Commands of the Trnovo Tactical Group, 4 June); P4152 (Request for a helicopter from the Kalinovik Tactical Group Command addressed to the HK Command, Ratko Mladić, and Radovan Karadžić, 26 August 1992).

<sup>663</sup> P2823 (Combat order to units of tactical group Foča signed by Marko Kovač, 7 July 1992), pp. 3-4.

<sup>664</sup> P2831 (Regular combat report from Kovač, Commander of the Tactical Group Foča, to the HK Command and the Main Staff, 21 July 1992); P2835 (Telegram from Kovač to the HK regarding Foča Tactical Group, 12 July 1992); P2836 (Regular report from Kovač to the HK Command, 18 September 1992); P2840 (Telegram from Kovač, Commander of the Foča Tactical Group, to the HK Command and the Main Staff, 16 July 1992); P2841 (Telegram from Kovač, Commander of the Foča Anti-Terrorist Group, to the HK Command and the Main Staff, 17 July 1992); P2842 (Telegram from Kovač, Commander of the Foča Tactical Group, to the Main Staff and the HK, 27 July 1992); P2850 (Interim report from Kovač, Commander of the Foča Tactical Group, to the HK and the VRS Main Staff, 24 July 1992).

<sup>665</sup> P2845 (VRS Main Staff Order to set up optimal postal services, 14 October 1992); P2849 (VRS Main Staff Order re defence of the Drina Valley, 29 October 1992), pp. 1, 3.

1992, to its subordinate units, including Foča Tactical Group and Kalinovik Tactical Group.<sup>666</sup>

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

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

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

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

<sup>666</sup> P2846 (Order of the HK re establishment of mail circulation, 15 October 1992).

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

### ***Drina Corps***

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

<sup>667</sup> Prosecution Final Brief, para. 1077.

<sup>668</sup> Defence Final Brief, para. 653.

<sup>669</sup> D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).

<sup>670</sup> Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.

<sup>671</sup> P1463 (Mirko Trivić, *Popović et al.* transcript, 18, 21 May 2007), p. 11795.

<sup>672</sup> Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.

<sup>673</sup> D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 2, 4-5, 7.

<sup>674</sup> P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10492-10493.

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

<sup>675</sup> Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).

<sup>676</sup> P1594 (Srečko Aćimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12930-12931; Srečko Aćimović, T. 13230.

<sup>677</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.

<sup>678</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432.

<sup>679</sup> P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5589-5590, 5594.

<sup>680</sup> P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32566-32567; Witness RM-318, T. 14874; P1820 (Pseudonym sheet for Witness RM-318).

<sup>681</sup> **Svetozar Andrić**: D1033 (Svetozar Andrić, witness statement, 16 July 2013), paras 2, 9. **Momir Nikolić**: Momir Nikolić, T. 11779-11781. **Mirko Trivić**: P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), pp. 11795, 11802-11803; Mirko Trivić, T. 11280, 11385. **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.50; P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.2. **Zoran Kovačević**: D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 3. **Mihajlo Galić**: P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10494-10495. **Witness RM-322**: P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11695-11696. **Milos Mitrović**: P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5595, 5597. **Srečko Aćimović**: P1594 (Srečko Aćimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12931-12932. **Ljubomir Bojanović**: P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11674-11676, 11678-11679, 11687. **Damjan Lazarević**: P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433-14434. **Witness RM-318**: P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32567-32568; Witness RM-318, T. 14876, 14889. **Documentary evidence**: P1464 (DK warning order, 2 July 1995), pp. 1-2; P1693 (Ground search order from the 1st Bratunac Light Infantry Brigade Command to its Infantry Battalions, 14 July 1995); P1695 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 15 July 1995); P1696 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 16 July 1995); P1698 (Report from the 1st Bratunac Light Infantry Brigade to the DK Command, 17 July 1995).

<sup>682</sup> P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21-22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.

<sup>683</sup> P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14619, 14621-14622.

<sup>684</sup> P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6437-6438.

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

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

<sup>685</sup> P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11367, 11369, 11371.

<sup>686</sup> Petar Škrbić, T. 13981.

<sup>687</sup> D965 (Vidoje Blagojević, witness statement, 16 June 2014), para. 3; D966 (Vidoje Blagojević, *Popović et al.* transcript, 1 October 2008), pp. 2-3; Vidoje Blagojević, T. 33611.

<sup>688</sup> Mičo Gavrić, T. 13899. The evidence of Mičo Gavrić is also reviewed in chapter 7.1.6.

<sup>689</sup> D894 (Mile Petrović, witness statement, 6 June 2014), para. 1.

<sup>690</sup> P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109. The evidence of Robert Franken is also reviewed in chapter 7.1.5.

<sup>691</sup> Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor’s Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2.

<sup>692</sup> P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.

<sup>693</sup> D922 (Mladen Blagojević, witness statement, 6 June 2014), p. 1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.

<sup>694</sup> P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10035, 10037.

<sup>695</sup> P3504 (Marko Milošević, *Popović et al.* transcript, 26 June 2007), p. 13299.

<sup>696</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

<sup>697</sup> Adjudicated Facts II, no. 1324.

<sup>698</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.2.

<sup>699</sup> Adjudicated Facts II, no. 1328.

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

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

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

<sup>700</sup> Adjudicated Facts II, no. 1327.

<sup>701</sup> P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), p. 14621.

<sup>702</sup> D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 9.

<sup>703</sup> P1087 (Srebrenica Court Binder of maps), pp. 6-7; P360 (Mladić notebook, 9 January - 21 March 1994), p. 62.

<sup>704</sup> Adjudicated Facts II, no. 1299.

<sup>705</sup> Adjudicated Facts II, no. 1337.

<sup>706</sup> Adjudicated Facts II, no. 1351.

<sup>707</sup> Adjudicated Facts II, no. 1325.

<sup>708</sup> P1713 (DK Document No. 05/2-293 Regarding the Transfer of Duties from General Živanović to General Krstić, 13 July 1995); P7056 (DK Command, Handover of Corps Commander Duties, 13 July 1995).

<sup>709</sup> Adjudicated Facts II, no. 1330.

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

#### *Bratunac Brigade*

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

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

<sup>710</sup> Adjudicated Facts II, no. 1331.

<sup>711</sup> P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11795.

<sup>712</sup> Adjudicated Facts II, no. 1331.

<sup>713</sup> Adjudicated Facts II, no. 1333.

<sup>714</sup> Petar Škrbić, T. 13992.

<sup>715</sup> Adjudicated Facts II, no. 1333.

<sup>716</sup> Adjudicated Facts II, no. 1336.

<sup>717</sup> Momir Nikolić, T. 11779-11780.

<sup>718</sup> Mičo Gavrić, T. 13899.

<sup>719</sup> Momir Nikolić, T. 11804.

<sup>720</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.8.

<sup>721</sup> Vidoje Blagojević, T. 33569.

<sup>722</sup> Adjudicated Facts II, no. 1349.



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

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

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

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

<sup>723</sup> Adjudicated Facts II, no. 1350.

<sup>724</sup> Adjudicated Facts II, no. 1349.

<sup>725</sup> Momir Nikolić, T. 11778-11779, 11989.

<sup>726</sup> D894 (Mile Petrović, witness statement, 6 June 2014), para. 1.

<sup>727</sup> D922 (Mladen Blagojević, witness statement, 6 June 2014), para. 3; Mladen Blagojević, T. 32611; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 11. *See also* Momir Nikolić, T. 11780.

<sup>728</sup> Mladen Blagojević, T. 32611.

<sup>729</sup> Momir Nikolić, T. 11780.

<sup>730</sup> Momir Nikolić, T. 11781.

<sup>731</sup> Momir Nikolić, T. 11780.

<sup>732</sup> Momir Nikolić, T. 11777.

<sup>733</sup> Momir Nikolić, T. 11777, 11941, 11988-11989.

<sup>734</sup> Momir Nikolić, T. 11777-11778.

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

### *Zvornik Brigade*

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

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

<sup>735</sup> P1508 (Report on 1st Bratunac Light Infantry Brigade combat readiness, Vidoje Blagojević, 4 July 1995), p. 3

<sup>736</sup> P1508 (Report on 1st Bratunac Light Infantry Brigade combat readiness, Vidoje Blagojević, 4 July 1995), pp. 3, 6.

<sup>737</sup> Adjudicated Facts II, no. 1345.

<sup>738</sup> Adjudicated Facts II, no. 1346.

<sup>739</sup> Adjudicated Facts II, no. 1347.

<sup>740</sup> Adjudicated Facts II, no. 1348.

<sup>741</sup> Srečko Ačimović, T. 13266.

<sup>742</sup> P1594 (Srečko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12932-12933; Srečko Ačimović, T. 13299.

<sup>743</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11675.

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

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

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

<sup>744</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11675, 11678.

<sup>745</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11674, 11678-11679.

<sup>746</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11687.

<sup>747</sup> Mićo Gavrić, T. 13924, 13926.

<sup>748</sup> P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), p. 10584.

<sup>749</sup> P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10587-10588.

<sup>750</sup> P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10587-10588.

<sup>751</sup> Witness RM-322, T. 11633.

<sup>752</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11683.

<sup>753</sup> Witness RM-322, T. 11633.

<sup>754</sup> P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), p. 10585; Witness RM-322, T. 11633.

<sup>755</sup> Witness RM-322, T. 11633.

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

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

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

<sup>756</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11682-11683.

<sup>757</sup> Witness RM-322, T. 11745-11747.

<sup>758</sup> Witness RM-322, T. 11747-11748.

<sup>759</sup> Witness RM-322, T. 11748.

<sup>760</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11683.

<sup>761</sup> P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6440.

<sup>762</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.8.

<sup>763</sup> P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11369.

<sup>764</sup> P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11369-11370, 11378.

<sup>765</sup> P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11371.

<sup>766</sup> P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10038.

<sup>767</sup> P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10037-10038.

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

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

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

<sup>768</sup> P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10038.

<sup>769</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.15.

<sup>770</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.7.

<sup>771</sup> P3504 (Marko Milošević, *Popović et al.* transcript, 26 June 2007), pp. 13299-13301, 13318, 13342.

<sup>772</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433-14434.

<sup>773</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14435.

<sup>774</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14436.

<sup>775</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14436. *See also* P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5594-5595, 5625.

<sup>776</sup> P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14437-14438.

<sup>777</sup> P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5595, 5597.

<sup>778</sup> P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6438-6439.

<sup>779</sup> The Trial Chamber understands the references to 'Miomir' Jasikovac at T. 12731 and 12736 to refer to Miodrag Jasikovac.

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

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

<sup>780</sup> P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6440-6441; Witness RM-269, T. 12736.

<sup>781</sup> P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11814.

<sup>782</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11691-11692.

<sup>783</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11703-11704; P3571 (Excerpt from manual for the operation of staffs and commands), p. 2.

<sup>784</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11703-11704.

<sup>785</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11703.

<sup>786</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11705.

<sup>787</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11708.

<sup>788</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11705, 11726.

<sup>789</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11704.

<sup>790</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11726.

<sup>791</sup> P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11706.

*1st Podrinje Light Brigade*

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

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

<sup>792</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 3.

<sup>793</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 4, Milenko Janković, T. 26650-26651.

<sup>794</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 5; Milenko Janković, T. 26617, 26656.

<sup>795</sup> P6827 (Order by the SRK command, 22 May 1992), pp. 1-2; Mile Ujić, T. 26946-26947.

<sup>796</sup> D683 (Milenko Janković, witness statement, 2 August 2014), paras 5, 15; Milenko Janković, T. 26660, 26664.

<sup>797</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 8.

<sup>798</sup> Milenko Janković, T. 26662-26664; P6815 (List of officers in the 1st Prodrinje Light Infantry Brigade, 23 November 1994), pp. 1-3, 6.

<sup>799</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 7.

<sup>800</sup> Milenko Janković, T. 26660-26661.

<sup>801</sup> P3904 (Letter 1st Podrinje Brigade Command to DK Command, 18 December 1994), p. 1. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.0.

of the formation of the DK, the Rogatica Brigade became part of the DK and ‘developed into’ the 1st Podrinje Light Brigade.<sup>802</sup>

*Skelani Battalion*

208. **Trivić** testified that the Skelani Battalion was an independent battalion within the DK.<sup>803</sup>

*Milići Brigade*

209. **Gavrić** testified that in July 1995, Nastić commanded the Milići Brigade.<sup>804</sup>

***The Trial Chamber’s findings***

*Drina Corps*

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

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

<sup>802</sup> P3904 (Letter 1st Podrinje Brigade Command to DK Command, 18 December 1994), p. 1. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.0.

<sup>803</sup> P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11803.

<sup>804</sup> P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26513-26515, 26520; Mićo Gavrić, T. 13895-13896, 13933-13934.

<sup>805</sup> *See* Defence Final Brief, para. 653.



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

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

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

#### *Bratunac Brigade*

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

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

### *Zvornik Brigade*

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

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

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

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

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

#### *1st Podrinje Light Brigade*

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

#### *Skelani Battalion and Milići Brigade*

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

#### *Sarajevo Romanija Corps*

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

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

<sup>806</sup> Prosecution Final Brief, paras 725-734.

<sup>807</sup> Defence Final Brief, paras 654, 1418, 1713, 2370-2371, 2379-2382, 2384-2385, 2449.

<sup>808</sup> Defence Final Brief, paras 675, 2370-2371, 2381, 2387-2390, 2394-2397, 2450.

<sup>809</sup> Defence Final Brief, paras 2370-2371, 2388.

<sup>810</sup> Defence Final Brief, paras 2098-2099.

<sup>811</sup> P749 (Witness RM-055, witness statement, undated), p. 3.

<sup>812</sup> D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.

<sup>813</sup> D1062 (Savo Simić, witness statement, 4 November 2012), paras 1, 3; Savo Simić, T. 35932, 35935, 35944, 35949-35850.

<sup>814</sup> P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.

<sup>815</sup> P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.

<sup>816</sup> P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.

<sup>817</sup> **Witness RM-055**: P749 (Witness RM-055, witness statement, undated), pp. 6-8, 34. **Mile Sladoje**: D453 (Mile Sladoje, witness statement, 10 May 2014), para. 7. **Savo Simić**: Savo Simić, T. 35966-35967; P7404 (Order by Colonel Stanislav Galić, 16 September 1992). **David Fraser**: P576 (David Fraser, witness statement, 3 December 2012), paras 13, 30. **Witness RM-163**: Witness RM-163, T. 6100-6101; P628 (Witness RM-163, witness statement, undated), paras 57, 68. **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 35; Witness RM-147, T. 1740.

<sup>818</sup> D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.

<sup>819</sup> Milorad Šehovac, T. 24084-24085.

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

<sup>820</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26800.

<sup>821</sup> D653 (Desimir Šarenac, witness statement, 27 July 2014), paras 4, 7-8; Desimir Šarenac, T. 26125, 26141, 26146.

<sup>822</sup> D598 (Velimir Dunjić, witness statement, 12 November 2012), paras 1, 4; D599 (Velimir Dunjić, witness statement, 23 July 2014), para. 4; Velimir Dunjić, T. 24892-24893.

<sup>823</sup> Richard Philipps, T. 4675-4677; P450 (*Curriculum vitae* of Richard Philipps).

<sup>824</sup> Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet).

<sup>825</sup> D514 (Svetozar Guzina, witness statement, 15 May 2014), p. 1, paras 1, 36-37; Svetozar Guzina, T. 22467, 22527-22528, 22552.

<sup>826</sup> D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

<sup>827</sup> D658 (Vlade Lučić, witness statement, 5 November 2012), paras 3-6, 8-9, 13.

<sup>828</sup> D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba, T. 22797-22798, 22803-22804, 22822, 22902, 22887. Part of Miloš Škrba's evidence is reviewed in chapter 5.2.1.

<sup>829</sup> D459 (Predrag Trapara, witness statement, 10 May 2014), p. 1, para. 1; Predrag Trapara, T. 21121, 21141-21142.

<sup>830</sup> D643 (Stojan Džino, witness statement, 4 November 2012), paras 3-4; Stojan Džino, T. 25700.

<sup>831</sup> D463 (Dušan Škrba, witness statement, 11 May 2014), para. 7.

<sup>832</sup> D482 (Dragan Maletić, witness statement, 10 May 2014), pp. 1, 3-4; Dragan Maletić, T. 21741.

<sup>833</sup> D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 1.

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

### *Structure*

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

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

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

<sup>834</sup> D551 (Blaško Rašević, witness statement, 28 May 2014), p. 1, paras 1, 20-21; Blaško Rašević, T. 23582-23584, 23601-23604.

<sup>835</sup> D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.

<sup>836</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.

<sup>837</sup> Adjudicated Facts III, no. 1779.

<sup>838</sup> Adjudicated Facts III, no. 1781.

<sup>839</sup> Adjudicated Facts III, no. 1782.

<sup>840</sup> Adjudicated Facts III, no. 1778.

<sup>841</sup> Savo Simić, T. 35935-35937.

<sup>842</sup> Savo Simić, T. 35951; P7400 (Appointments within the VJ, 12 August 1995).

<sup>843</sup> P6827 (Order by the SRK command, 22 May 1992), pp. 1-2.

<sup>844</sup> P749 (Witness RM-055, witness statement, undated), pp. 7, 34.

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

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

#### *Command and control*

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

<sup>845</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 7; Ratomir Maksimović, T. 26788, 26845.

<sup>846</sup> P6817 (Comparative Review of Changes in Strength of the SRK and Casualties in war time units, 24 February 1993).

<sup>847</sup> Ratomir Maksimović, T. 26788, 26845, 26847.

<sup>848</sup> Adjudicated Facts III, no. 1777.

<sup>849</sup> P749 (Witness RM-055, witness statement, undated), p. 7.

<sup>850</sup> Adjudicated Facts III, nos 1774-1775.

<sup>851</sup> Adjudicated Facts III, no. 1775. The Trial Chamber understands 'corps' to refer to the SRK.

<sup>852</sup> Adjudicated Facts III, no. 1776.

<sup>853</sup> P749 (Witness RM-055, witness statement, undated), p. 7.

<sup>854</sup> Witness RM-511, T. 4984-4986.

<sup>855</sup> Richard Philipps, T. 4694; P451 (Two organization charts 'Sarajevo Romanija Corps, VRS 1992-1994' and 'Sarajevo Romanija Corps, VRS 1994-1995').

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

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

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

<sup>856</sup> Richard Philipps, T. 4763-4764.

<sup>857</sup> Richard Philipps, T. 4764.

<sup>858</sup> Richard Philipps, T. 4764; P451 (Two organization charts 'Sarajevo Romanija Corps, VRS 1992-1994' and 'Sarajevo Romanija Corps, VRS 1994-1995'), p. 1.

<sup>859</sup> Adjudicated Facts III, no. 1787.

<sup>860</sup> Adjudicated Facts III, nos 1788, 1790.

<sup>861</sup> Adjudicated Facts III, no. 1791.

<sup>862</sup> Adjudicated Facts III, no. 1820.

<sup>863</sup> Adjudicated Facts III, no. 1822.

<sup>864</sup> Adjudicated Facts III, no. 1821.

<sup>865</sup> Adjudicated Facts III, no. 1824.

<sup>866</sup> Adjudicated Facts III, no. 1838.

<sup>867</sup> Adjudicated Facts III, no. 1792.

<sup>868</sup> Adjudicated Facts III, no. 1793.

<sup>869</sup> Adjudicated Facts III, no. 1795.

<sup>870</sup> Adjudicated Facts III, no. 1796.

<sup>871</sup> Adjudicated Facts III, nos 1805, 1807.

<sup>872</sup> Adjudicated Facts III, no. 1808.



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

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

<sup>873</sup> Adjudicated Facts III, no. 1860.

<sup>874</sup> Adjudicated Facts III, no. 1864.

<sup>875</sup> Adjudicated Facts III, nos 1853, 1861.

<sup>876</sup> Adjudicated Facts III, no. 1827.

<sup>877</sup> Adjudicated Facts III, no. 1834.

<sup>878</sup> Adjudicated Facts III, no. 1836.

<sup>879</sup> Adjudicated Facts III, no. 1862.

<sup>880</sup> Adjudicated Facts III, no. 1851.

<sup>881</sup> P628 (Witness RM-163, witness statement, undated), paras 67-68.

<sup>882</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 8, 36.

<sup>883</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 35.

<sup>884</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 38.

<sup>885</sup> Ratomir Maksimović, T. 26794-26796; P6818 (SRK order regarding the training of young soldiers, 28 May 1992), para. 1.

<sup>886</sup> D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 36; Ratomir Maksimović, T. 26797.

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

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

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

<sup>887</sup> D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), pp. 1-2, 6.

<sup>888</sup> D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), p. 2.

<sup>889</sup> D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), p. 3.

<sup>890</sup> D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), pp. 1, 4.

<sup>891</sup> D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), p. 1.

<sup>892</sup> D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), p. 2.

<sup>893</sup> D1840 (Regular combat report from the command of the SRK to the Main Staff, signed by Dragomir Milošević, 20 October 1993), pp. 1-2.

<sup>894</sup> D658 (Vlade Lučić, witness statement, 5 November 2012), para. 221; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39-40, 43, 66, 113; D453 (Mile Sladoje, witness statement, 10 May 2014), paras 7, 23; D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 32, 63; D459 (Predrag Trapara, witness statement, 10 May 2014), para. 17; D643 (Stojan Džino, witness statement, 4 November 2012), paras 52, 55; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), paras 40-41; D473 (Slavko Gengo, witness statement, 10 May 2014), para. 29; D849 (Milovan Lelek, witness

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

### *Snipers*

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

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

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

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

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

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

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

<sup>900</sup> D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22.

<sup>901</sup> D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39-40, 43.

<sup>902</sup> P576 (David Fraser, witness statement, 3 December 2012), paras 61-64.

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

<sup>904</sup> P576 (David Fraser, witness statement, 3 December 2012), paras 63-65.

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

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

<sup>905</sup> P576 (David Fraser, witness statement, 3 December 2012), para. 78.

<sup>906</sup> P576 (David Fraser, witness statement, 3 December 2012), paras 78, 135.

<sup>907</sup> P576 (David Fraser, witness statement, 3 December 2012), para. 78.

<sup>908</sup> P604 (3rd Sarajevo Infantry Brigade Report on training activities in 1994, signed by Commander Dragan Josipović, 5 January 1995.), p. 4; P606 (1st Ilijaš Infantry Brigade Report on training activities in 1994, signed for the Commander by Captain Božidar Savić, 13 January 1995), p. 2.

<sup>909</sup> Adjudicated Facts III, no. 1863.

<sup>910</sup> Adjudicated Facts III, no. 1902.

<sup>911</sup> Adjudicated Facts III, no. 1903.

<sup>912</sup> Adjudicated Facts III, no. 1904.

<sup>913</sup> P605 (Order on the detachment and transfer of sniper instructors, signed by General Dragomir Milošević, 19 January 1995).

<sup>914</sup> P576 (David Fraser, witness statement, 3 December 2012), para. 77.

<sup>915</sup> P107 (Witness RM-147, witness statement, 3 June 2012), paras 12, 30, 35, 39, 53; Witness RM-147, T. 1740.

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

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

#### *The Trial Chamber's findings*

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

<sup>916</sup> P107 (Witness RM-147, witness statement, 3 June 2012), paras 36, 40, 42, Appendices A and H; P119 (Photograph of downtown Sarajevo, four skyscrapers marked by witness); P125 (Map of Grbavica marked by witness).

<sup>917</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 39.

<sup>918</sup> P107 (Witness RM-147, witness statement, 3 June 2012), paras 34, 43.

<sup>919</sup> P107 (Witness RM-147, witness statement, 3 June 2012), paras 43-44; Witness RM-147, T. 1698; P117 (Photograph marked by witness).

<sup>920</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 45.

<sup>921</sup> D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 33-34; Milorad Šehovac, T. 24043.

<sup>922</sup> D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 35; Milorad Šehovac, T. 24043; D560 (Corrections to witness statement, 10 July 2014), para. 11.

<sup>923</sup> D643 (Stojan Džino, witness statement, 4 November 2012), para. 56; Stojan Džino, T. 25695. *See also* D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 8.

<sup>924</sup> Stojan Džino, T. 25696, 25727.

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

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

<sup>925</sup> Blaško Rašević, T. 23587.

<sup>926</sup> The Trial Chamber notes in this respect that the Defence appears to demand a level of specificity before calling someone a 'sniper' that does not accord with the Trial Chamber's understanding. In this

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

#### *10th Sabotage Detachment*

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

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

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

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

<sup>928</sup> D978 (Milorad Pelemiš, witness statement, 18 June 2014), p. 1, paras 1-2; Milorad Pelemiš, T. 33776.

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

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

<sup>931</sup> P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 832, 834-835.

<sup>932</sup> D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 2.

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

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

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

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

<sup>933</sup> P5013 (VRS Main Staff Order regarding 10th Sabotage Detachment, 4 December 1994). *See also* P1799 (Communication by Tolimir concerning personnel selection of 10th Sabotage Detachment, 21 December 1994).

<sup>934</sup> D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 3.

<sup>935</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11960-11961, 11967, 11972; Ljubomir Obradović, T. 14517; P1784 (VRS Main Staff Structure, July 1995).

<sup>936</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11961-11962, 11967; Ljubomir Obradović, T. 14585-14586; P1784 (VRS Main Staff Structure, July 1995).

<sup>937</sup> Manojlo Milovanović, T. 17113.

<sup>938</sup> Ljubomir Obradović, T. 14587.

<sup>939</sup> D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 5.



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

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

### 3.1.3 Main Staff

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

<sup>940</sup> P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 834, 840; Dražen Erdemović, T. 13723, 13726.

<sup>941</sup> P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 834-836, 840.

<sup>942</sup> Manojlo Milovanović, T. 16924.

<sup>943</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).

<sup>944</sup> Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.

<sup>945</sup> Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).

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

*Events leading up to the formation of the VRS Main Staff*

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

<sup>946</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).

<sup>947</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

<sup>948</sup> Petar Škrbić, T. 13981.

<sup>949</sup> P3491 (Doko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.

<sup>950</sup> P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13467, 13473.

<sup>951</sup> D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

<sup>952</sup> D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

<sup>953</sup> D711 (Rajko Banduka, witness statement, dated 14 July 2014), para. 3; Rajko Banduka, T. 27313, 27327.

<sup>954</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 1-2, 11. The Trial Chamber notes that the terminology used for defining the 'Sector for Morale, Religious, and Legal Affairs' varies in the evidence it has received. This difference is partly explained by the fact that in the JNA, this sector was called the 'Sector for Moral Guidance and Legal Affairs'. In order to avoid confusion, the Trial Chamber has referred to this sector as the 'Sector for Morale, Religious, and Legal Affairs' throughout the judgment.

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

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

*Functions and structure of the VRS Main Staff*

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

<sup>955</sup> P338 (Analysis of the combat readiness and activities of the VRS, signed by Karadžić on 5 April 1993), pp. 1, 69-70, 153.

<sup>956</sup> P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 7, 11.

<sup>957</sup> Manojlo Milovanović, T. 16902-16905.

<sup>958</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.14

<sup>959</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1, 1.14.

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

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

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

<sup>960</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.11-1.12, 1.15.

<sup>961</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.17.

<sup>962</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.19.

<sup>963</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility report, 9 June 2006), para. 2.0. *See also* D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 128.

<sup>964</sup> The witness referenced examples of Mladić's attendance at sessions of the Supreme Command, which included sessions held on 9 June 1992, 13 July 1992, 2 August 1992, 31 August 1992, 20 December 1992, 28 October 1994, 31 March 1995, 13 April 1995, and 15 September 1995.

<sup>965</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 334-335.

<sup>966</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 335-336. The witness referenced examples of Mladić's attendance at sessions of the Bosnian-Serb Assembly, which included sessions held on 14-15 September 1992, 30-31 October 1992, 1 November 1992, 17 December 1992, 19-20 May 1993, 21-22 July 1993, 10 January 1994, 24 November 1994, 14-15 April 1995, 23-24 May 1995, 14-15 June 1995, 6 August 1995, 28 August 1995, and 15-16 October 1995.

<sup>967</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.0.

with senior military and civilian UNPROFOR officials throughout Bosnia-Herzegovina on a daily basis.<sup>968</sup>

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

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

<sup>968</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.3.

<sup>969</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 70-71.

<sup>970</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 68.

<sup>971</sup> P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* Petar Skrbić, T. 14003-14005.

<sup>972</sup> The Trial Chamber notes that departments of the Main Staff were sometimes referred to in the evidence as ‘sectors’ or ‘branches’. The Trial Chamber has referred to them as ‘departments’ of the Main Staff. Some of these Main Staff departments were further divided into different sectors or administrations. In most cases, the Trial Chamber has used the word ‘sector’ to describe these subdivisions of the Main Staff Departments.

<sup>973</sup> P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 69-70; Manojlo Milovanović, T. 16918; P2212 (VRS Main Staff structure - organisation chart, July 1995).

<sup>974</sup> P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11937-11938, 11940, 11955-11956, 11992, 12019; P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8287-8288; P1784 (VRS Main Staff structure, July 1995); P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4957 (Report on handover of duty by Milan Gvero, 9 May 1992), p. 1.

commanders and the commanders of the 65th Protection Regiment and the 10th Sabotage Detachment.<sup>975</sup>

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

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

<sup>975</sup> P2208 (Diagram of VRS Main Staff structure, July 1995).

<sup>976</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.6-2.7. See also P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11939-11941. The Trial Chamber notes that the witness also referred to 'the Staff' as the 'operative sector' of the VRS Main Staff.

<sup>977</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.7.

<sup>978</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.8.

<sup>979</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.9.

<sup>980</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11929.

<sup>981</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11944-11945. See also P1784 (VRS Main Staff structure, July 1995).

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

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

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

<sup>982</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11943-11944; Ljubomir Obradović, T. 14518-14519; P1784 (VRS Main Staff structure, July 1995).

<sup>983</sup> Ljubomir Obradović, T. 14519, 14546.

<sup>984</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.10.

<sup>985</sup> D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038, 30099-30100.

<sup>986</sup> Milovan Milutinović, T. 30100.

<sup>987</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.13, 2.15. *See also* P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13474, 13477; Petar Salapura, T. 13019-13020.

<sup>988</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.13, 2.15.

<sup>989</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.13.

officer responsible for ensuring personal security of certain Main Staff officers.<sup>990</sup>

**Obradović** testified that in July 1995, the Intelligence Administration was headed by Colonel Petar Salapura and the Security Administration was headed by Colonel Ljubiša Beara. Both Salapura and Beara were directly subordinated to Tolimir.<sup>991</sup>

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

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

<sup>990</sup> P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.14-2.15. See also P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11949; Ljubomir Obradović, T. 14585; P1784 (VRS Main Staff structure, July 1995). See also P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), p. 13474; Petar Salapura, T. 13019-13020.

<sup>991</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11949; Ljubomir Obradović, T. 14586; P1784 (VRS Main Staff structure, July 1995). See also P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13475, 13484.

<sup>992</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11963, 11966; P1784 (VRS Main Staff structure, July 1995).

<sup>993</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11962; P1784 (VRS Main Staff structure, July 1995).

<sup>994</sup> P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11966-11967; Ljubomir Obradović, T. 14553-14554; D333 (Order by Milomir Savčić concerning oral reporting, 23 December 1993).

<sup>995</sup> Petar Škrbić, T. 13992.

<sup>996</sup> Rajko Banduka, T. 27308-27309, 27313, 27340; P6848 (Photograph of 'Villa Javor').

<sup>997</sup> Rajko Banduka, T. 27310, 27313, 27315-27316.

<sup>998</sup> Rajko Banduka, T. 27316.



staff could carry out the tasks of the operations centre and communications centre when needed. This happened during the NATO bombing.<sup>999</sup>

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

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

<sup>999</sup> Rajko Banduka, T. 27313, 27316, 27336; P6848 (Photograph of 'Villa Javor').

<sup>1000</sup> D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 128.

<sup>1001</sup> D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 129.

<sup>1002</sup> Manojlo Milovanović, T. 16937-16939, 16945-16946. The Trial Chamber notes that the witness used 'Sector Chiefs' to refer to the assistants to the Commander, which he explained concerned the Main Staff Assistant Commanders, *see* T. 16939-16940.

<sup>1003</sup> Manojlo Milovanović, T. 16938.

<sup>1004</sup> Manojlo Milovanović, T. 16947.

<sup>1005</sup> Manojlo Milovanović, T. 16947-16949.

<sup>1006</sup> Manojlo Milovanović, T. 16949.

<sup>1007</sup> Manojlo Milovanović, T. 16948-16949.

<sup>1008</sup> Manojlo Milovanović, T. 16950-16951.

<sup>1009</sup> Manojlo Milovanović, T. 16951.

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

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

<sup>1010</sup> Manojlo Milovanović, T. 16952, 16956.

<sup>1011</sup> Manojlo Milovanović, T. 16960-16961, 16964-16966.

<sup>1012</sup> Manojlo Milovanović, T. 16958-16960.

<sup>1013</sup> Manojlo Milovanović, T. 16965-16966.

<sup>1014</sup> Manojlo Milovanović, T. 16958-16964.

<sup>1015</sup> Manojlo Milovanović, T. 16960-16961, 16964.

<sup>1016</sup> Manojlo Milovanović, T. 16963-16964.

<sup>1017</sup> Manojlo Milovanović, T. 16965-16966.

<sup>1018</sup> Manojlo Milovanović, T. 16964.

<sup>1019</sup> Manojlo Milovanović, T. 16960, 16967-16969.

communication hubs.<sup>1020</sup> According to Milovanović, the system of command and control within the VRS worked throughout the war.<sup>1021</sup>

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

*The Trial Chamber's findings*

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

<sup>1020</sup> Manojlo Milovanović, T. 16935-16936.

<sup>1021</sup> Manojlo Milovanović, T. 16972-16973.

<sup>1022</sup> Vladimir Radojčić, T. 23274.

<sup>1023</sup> D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 94. Vladimir Radojčić, T. 23269-23274.

<sup>1024</sup> Vladimir Radojčić, T. 23273.

<sup>1025</sup> For further detail regarding the appointment of Mladić as Commander of the Main Staff, *see* chapter 3.1.4.

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

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

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

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

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

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

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

#### *3.1.4 Position of Ratko Mladić*

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

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

<sup>1026</sup> P3028 (Yugoslavia Presidency Decree appointing Ratko Mladić as Chief of Staff, 25 April 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), pp. 1, 18. *See, however*, T. 2.

<sup>1027</sup> Agreed Facts I, no. 2.

<sup>1028</sup> P4951 (Ratko Mladić's JNA personnel sheet), p. 1.

<sup>1029</sup> P4951 (Ratko Mladić's JNA personnel sheet), p. 4.

<sup>1030</sup> Agreed Facts I, no. 10. *See also* P4951 (Ratko Mladić's JNA personnel sheet), pp. 8-9.

<sup>1031</sup> Agreed Facts I, nos 11-12. *See also* P4951 (Ratko Mladić's JNA personnel sheet), pp. 4-5, 9.

<sup>1032</sup> Agreed Facts I, no. 13. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.

<sup>1033</sup> Agreed Facts I, no. 15. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.

<sup>1034</sup> Agreed Facts I, no. 16. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.

<sup>1035</sup> Agreed Facts I, no. 17. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 5.

<sup>1036</sup> Agreed Facts I, no. 18. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.

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

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

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

<sup>1037</sup> Agreed Facts I, no. 19. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.

<sup>1038</sup> Agreed Facts I, no. 20. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.

<sup>1039</sup> Agreed Facts I, no. 3. *See also* P4907 (Personnel administration form concerning appointment of Mladić, signed on 3 July 1991 by Mladić); P4951 (Ratko Mladić's JNA personnel sheet), p. 10.

<sup>1040</sup> Agreed Facts I, nos 4-5, 21. *See also* P4908 (Personnel administration form concerning appointment of Mladić, signed on 23 August 1991 by Mladić); P4910 (Decree of the SFRY Presidency, 4 October 1991); P4951 (Ratko Mladić's JNA personnel sheet), pp. 5, 10-11.

<sup>1041</sup> Agreed Facts I, no. 6. *See also* P4924 (Decree of the Presidency of the SFRY, 24 April 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 5.

<sup>1042</sup> Agreed Facts I, no. 7. *See also* P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 1; P3028 (Yugoslavia Presidency Decree appointing Ratko Mladić as Chief of Staff, 25 April 1992), pp. 1-2; P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 11.

<sup>1043</sup> P4951 (Ratko Mladić's JNA personnel sheet), p. 18.

<sup>1044</sup> P4951 (Ratko Mladić's JNA personnel sheet), p. 18.

<sup>1045</sup> Agreed Facts I, nos 8-9. *See also* P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 11; P4955 (Information on appointments of Mladić, Gvero, Đukić, and Tolomir by Colonel Galić, 16 May 1992).

<sup>1046</sup> P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54; P2799 (Decision of the Parliament of the Bosnian-Serb Republic regarding the formation of the VRS and appointment of Mladić as VRS Main Staff Commander, 12 May 1992), p. 1; P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), para. 180. *See also* P7190 ('Defending Krajina', 1KK Bulletin, 28 June 1992), p. 1.

<sup>1047</sup> P4090 (Report signed by Ratko Mladić, 20 May 1992), p. 1

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

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

<sup>1048</sup> Agreed Facts I, no. 27. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 5.

<sup>1049</sup> Agreed Facts I, no. 28.

<sup>1050</sup> Agreed Facts I, nos 29-30. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 11.

### 3.2 JNA/VJ

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

#### *The JNA from late 1991 until May 1992*

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

<sup>1051</sup> Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.

<sup>1052</sup> P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 1, 311.

<sup>1053</sup> P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 244, 326, 344-346. *See also* P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), p. 1.

<sup>1054</sup> P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 329-330.



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

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

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

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

<sup>1055</sup> P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 374.

<sup>1056</sup> P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 375.

<sup>1057</sup> Adjudicated Facts I, no. 286.

<sup>1058</sup> Adjudicated Facts I, no. 266.

<sup>1059</sup> P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), pp. 1, 73.

<sup>1060</sup> P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), p. 73,

89.

<sup>1061</sup> Agreed Facts I, no. 23.

<sup>1062</sup> Agreed Facts I, no. 23.

<sup>1063</sup> Adjudicated Facts I, no. 250.

<sup>1064</sup> Adjudicated Facts I, no. 251.

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

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

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

<sup>1065</sup> Adjudicated Facts I, no. 252.

<sup>1066</sup> Adjudicated Facts I, no. 286.

<sup>1067</sup> Adjudicated Facts I, no. 267.

<sup>1068</sup> Adjudicated Facts I, no. 269.

<sup>1069</sup> Adjudicated Facts I, no. 270.

<sup>1070</sup> Adjudicated Facts I, no. 271.

<sup>1071</sup> Adjudicated Facts I, no. 272.

<sup>1072</sup> Adjudicated Facts I, no. 273.

<sup>1073</sup> Adjudicated Facts I, no. 274.

<sup>1074</sup> Adjudicated Facts I, no. 287.

<sup>1075</sup> Adjudicated Facts I, no. 286.

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

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

#### *Dissolution of the JNA*

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

<sup>1076</sup> Adjudicated Facts I, nos 287, 289.

<sup>1077</sup> Adjudicated Facts I, no. 287.

<sup>1078</sup> Adjudicated Facts I, no. 289.

<sup>1079</sup> P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 2.

<sup>1080</sup> P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 3.

<sup>1081</sup> P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 5

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

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

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

<sup>1082</sup> Adjudicated Facts III, no. 1709.

<sup>1083</sup> Adjudicated Facts III, no. 1710.

<sup>1084</sup> P3084 (Excerpt from a book by Borislav Jović entitled ‘The last days of the SFRY’, 1993), p. 399.

<sup>1085</sup> P3084 (Excerpt from a book by Borislav Jović entitled ‘The last days of the SFRY’, 1993), p. 400.

<sup>1086</sup> P3084 (Excerpt from a book by Borislav Jović entitled ‘The last days of the SFRY’, 1993), pp. 399-400.

<sup>1087</sup> P3084 (Excerpt from a book by Borislav Jović entitled ‘The last days of the SFRY’, 1993), p. 400.

<sup>1088</sup> P3084 (Excerpt from a book by Borislav Jović entitled ‘The last days of the SFRY’, 1993), p. 400.

*See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 8; Reynaud Theunens, T. 20335.

<sup>1089</sup> Adjudicated Facts III, no. 1716. The Trial Chamber understands the reference to the ‘Yugoslav Presidency’ in the Adjudicated Fact to refer to the FRY Presidency.

<sup>1090</sup> P2052 (Report of UNSG to UNSC, 30 May 1992), pp. 1-2.

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

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

#### *Establishment of the VJ*

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

<sup>1091</sup> P4945 (Implementation of FRY Presidency Order, Rights of JNA Members, Colonel Adžić, 6 May 1992); P4947 (Receipt of telegram from the Federal Secretariat for National Defence, Rights of JNA Members, Colonel Hasotić, 7 May 1992).

<sup>1092</sup> P4945 (Implementation of FRY Presidency Order, Rights of JNA Members, Colonel Adžić, 6 May 1992); P4947 (Receipt of telegram from the Federal Secretariat for National Defence, Rights of JNA Members, Colonel Hasotić, 7 May 1992).

<sup>1093</sup> P2052 (Report of UNSG to UNSC, 30 May 1992), p. 2.

<sup>1094</sup> Adjudicated Facts I, no. 291.

<sup>1095</sup> Adjudicated Facts I, no. 300.

<sup>1096</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 69.

<sup>1097</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 72.

<sup>1098</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 76.

Commander of the VJ General Staff was Života Panić, and on 26 August 1993 General Momčilo Perišić became Commander of the VJ General Staff.<sup>1099</sup>

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

*The Trial Chamber's findings*

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

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

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

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

<sup>1099</sup> P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 77.

<sup>1100</sup> Adjudicated Facts I, no. 301.

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

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

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

### 3.3 Territorial Defence

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

<sup>1101</sup> Adjudicated Facts I, nos 290, 306, and 359 and Adjudicated Facts III, no. 1769 are reviewed in chapter 3.1.1. Adjudicated Fact I, no. 266 is reviewed in chapter 3.2. Adjudicated Facts I, nos 58, 60-61 are reviewed in chapter 9.2.2.

<sup>1102</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 1-2; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15273.

<sup>1103</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 2.

<sup>1104</sup> P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Treanor is reviewed in chapters 2.1.1.

<sup>1105</sup> D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995). The evidence of Andrić is reviewed in chapter 3.1.1.

<sup>1106</sup> P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141.

<sup>1107</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.

<sup>1108</sup> D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 2-3, 8; Čedo Šipovac, T. 28177, 28180.

<sup>1109</sup> D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

<sup>1110</sup> P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14619, 14621-14622. The evidence of Simanić is reviewed in chapter 3.1.1.

<sup>1111</sup> D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8.

<sup>1112</sup> D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664. The evidence of Janković is reviewed in chapter 3.1.2 *Sarajevo Romanija Corps*.

<sup>1113</sup> D788 (Zoran Đerić, witness statement, 6 June 2014), p. 1, para. 1.



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

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

<sup>1114</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.

<sup>1115</sup> D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.

<sup>1116</sup> P3035 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 15 April 1992) and D446 (Decision by the Bosnian-Serb presidency, 15 April 1992) are reviewed in chapter 9.2.2.

<sup>1117</sup> Adjudicated Facts I, no. 257.

<sup>1118</sup> Adjudicated Facts I, no. 258.

<sup>1119</sup> Adjudicated Facts I, no. 259.

<sup>1120</sup> Adjudicated Facts I, no. 260.

<sup>1121</sup> Adjudicated Facts I, no. 261.

<sup>1122</sup> Adjudicated Facts I, no. 263.

<sup>1123</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 2.

<sup>1124</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 2-3.

<sup>1125</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.

<sup>1126</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 2-3.

for distribution, privately owned hunting rifles and carbines were registered as TO weapons.<sup>1127</sup>

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

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

302. Crisis staffs provided various forms of general assistance to the TO, calling for mobilization within their municipalities and providing financial assistance.<sup>1136</sup>

**Dorothea Hanson** testified that in light of the constitution of the Bosnian-Serb Republic, municipalities were obliged to organise, manage, and support the municipal TO staff. According to Hanson, as crisis staffs took over the responsibilities of municipal authorities, some of them acted as if this also gave them the authority to

<sup>1127</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.

<sup>1128</sup> P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15278-15279.

<sup>1129</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3, 5.

<sup>1130</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.

<sup>1131</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3, 5.

<sup>1132</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 5.

<sup>1133</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 6.

<sup>1134</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 8.

<sup>1135</sup> Adjudicated Facts I, no. 378.

<sup>1136</sup> Adjudicated Facts I, no. 409.

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

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

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

<sup>1137</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 74.

<sup>1138</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 75.

<sup>1139</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 74.

<sup>1140</sup> P379 (Dorothea Hanson, *Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995*, July 2012), para. 72.

<sup>1141</sup> P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1.

<sup>1142</sup> P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.

<sup>1143</sup> Adjudicated Facts I, no. 255.

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

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

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

<sup>1144</sup> Adjudicated Facts I, nos 190, 256.

<sup>1145</sup> Adjudicated Facts I, no. 256.

<sup>1146</sup> P3003 (Patrick Treanor, *The Bosnian-Serb Leadership 1990-1992*), paras 180, 243.

<sup>1147</sup> P3145 (Witness RM-093, *Brdanin* transcript, 6-7, 10-13 March 2003), pp. 15472-15473; P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.

<sup>1148</sup> P3145 (Witness RM-093, *Brdanin* transcript, 6-7, 10-13 March 2003), p. 15472.

<sup>1149</sup> P3145 (Witness RM-093, *Brdanin* transcript, 6-7, 10-13 March 2003), p. 15472; D51 (Military report of the 5th Krajina Corps Command, 14 April 1992), pp. 1, 3

<sup>1150</sup> P3146 (Witness RM-093, *Stanišić and Župljanin* transcript, 20-21 April 2010), p. 8935.

<sup>1151</sup> P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.

<sup>1152</sup> P3145 (Witness RM-093, *Brdanin* transcript, 6-7, 10-13 March 2003), pp. 15472-15473; P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.

<sup>1153</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3-4; P3145 (Witness RM-093, *Brdanin* transcript, 6-7, 10-13 March 2003), p. 15472; P3149 (Order by 1KK Commander Momir Talić, 21 June 1992).

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

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

<sup>1154</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3-4; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15473-15474, 15494-15495.

<sup>1155</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 34; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15496.

<sup>1156</sup> P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15473-15474, 15494-15495.

<sup>1157</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 6-7; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15535.

<sup>1158</sup> Obrad Bubić, T. 26452-26454.

<sup>1159</sup> D895 (Rade Javorić, witness statement, 26 June 2014), para. 18; Rade Javorić, T. 31434-31435.

<sup>1160</sup> D895 (Rade Javorić, witness statement, 26 June 2014), para. 27; Rade Javorić, T. 31394-31395, 31441, 31453.

<sup>1161</sup> D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 3, 8; Čedo Šipovac, T. 28198.

<sup>1162</sup> D766 (Čedo Šipovac, witness statement, 18 January 2014), para. 3; Čedo Šipovac, T. 28178.

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

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

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

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

<sup>1163</sup> Milenko Rajak, T. 27342.

<sup>1164</sup> Milenko Rajak, T. 27343, 27345. *See also* D849 (Milovan Lelek, witness statement, 2 August 2014), para. 14; Milovan Lelek, T. 29578-29579.

<sup>1165</sup> D788 (Zoran Đerić, witness statement, 6 June 2014), paras 3-4; Zoran Đerić, T. 28586-28587.

<sup>1166</sup> Zoran Đerić, T. 28588-28589.

<sup>1167</sup> Zoran Đerić, T. 28598-28599, 28601; P6931 (Excerpts from interview with Rajko Kušić broadcast on Serbian Television in the 'Defending the homeland' documentary, undated), p. 3.

<sup>1168</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5.

<sup>1169</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5; Milovan Lelek, T. 29572-29576.

<sup>1170</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5.

<sup>1171</sup> D849 (Milovan Lelek, witness statement, 2 August 2014), para. 6.

<sup>1172</sup> D884 (Milenko Stanić, witness statement, 16 February 2013), para. 22.

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

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

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

<sup>1173</sup> See chapter 3.1.1.

### 3.4 Ministry of Interior

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

<sup>1174</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), paras 1, 20, 23, 33; Milenko Karišik, T. 33121, 33152, 33158, 33184, 33188, 33223; D933 (Karišik's appointment as Assistant Minister/Head of the Public Security Department, 9 or 11 November 1994).

<sup>1175</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.

<sup>1176</sup> P3455 (Witness RM-336, *Popović et al.* transcript, 16 November 2006), pp. 4076-4079; P3458 (Statement of Witness RM-336 before the Bijeljina SJB, 23 September 2004), p. 3.

<sup>1177</sup> **Milenko Karišik**: D935 (Milenko Karišik, witness statement, 23 June 2013), paras 19-20, 23, 28; Milenko Karišik, T. 33138-33139, 33161, 33177-33178, 33196, 33249. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 32. **Witness RM-336**: P3455 (Witness RM-336, *Popović et al.* transcript, 16 November 2006), pp. 4079-4082, 4089. **Documentary evidence**: P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1; P3208 (Minutes of a meeting of the MUP of Bosnia-Herzegovina, 11 February 1992), p. 4; P4237 (Miloš group report, 27 April 1992); P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), p. 1, Arts 15, 43.

<sup>1178</sup> D976 (Nedo Jovičić, witness statement, 3 August 2014), para. 2.

<sup>1179</sup> Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995). Witness RM-333's evidence is also reviewed in chapter 7.1.3.

<sup>1180</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.

<sup>1181</sup> D597 (Ratko Adžić, witness statement, 27 May 2014), p. 1, para. 25; Ratko Adžić, T. 24771, 24787, 24804-24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Radovan Karadžić, 17 September 1993), p. 1.

<sup>1182</sup> P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).



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

*The establishment and structure of the MUP*

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

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

<sup>1183</sup> D1402 (Mile Matijević, witness statement, 17 June 2015), paras 2-3, 5.

<sup>1184</sup> D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 4; Dragan Kijać, T. 40018-40020; P7576 (Decision by Mićo Stanišić to appoint Dragan Kijać as undersecretary of the National Security Service of the MUP, 6 August 1992), pp. 1-2.

<sup>1185</sup> P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13456-13458, 13462. Predrag Čelić's evidence is reviewed in chapter 7.4.

<sup>1186</sup> P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 2, 5; Milenko Pepić, T. 12406-12407, 12433. Milenko Pepić's evidence is reviewed in chapter 7.1.6.

<sup>1187</sup> P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796-10797.

<sup>1188</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

<sup>1189</sup> Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).

<sup>1190</sup> Adjudicated Facts I, nos 18, 22.

<sup>1191</sup> Adjudicated Facts I, no. 23.

<sup>1192</sup> Adjudicated Facts I, no. 24.

<sup>1193</sup> Adjudicated Facts I, no. 281.

<sup>1194</sup> Adjudicated Facts I, no. 282.

steering committee, a ‘Serbian advisory board’ within the Bosnia-Herzegovina MUP under the direction of Momčilo Mandić ‘to carry out all preparations necessary for the functioning of the Serbian MUP after the adoption of the constitution of the Serbian Republic of Bosnia-Herzegovina’.<sup>1195</sup>

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

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

<sup>1195</sup> Adjudicated Facts I, no. 283.

<sup>1196</sup> Adjudicated Facts I, nos 128, 320.

<sup>1197</sup> Adjudicated Facts I, no. 321.

<sup>1198</sup> Adjudicated Facts I, no. 323.

<sup>1199</sup> Adjudicated Facts I, no. 324.

<sup>1200</sup> P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 1.

<sup>1201</sup> Adjudicated Facts I, no. 341.

<sup>1202</sup> Adjudicated Facts I, no. 345.

<sup>1203</sup> Adjudicated Facts I, no. 346. *See also* Adjudicated Facts I, no. 348.

<sup>1204</sup> Adjudicated Facts I, no. 341.

<sup>1205</sup> Adjudicated Facts I, nos 343, 346.

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

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

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

<sup>1206</sup> Adjudicated Facts I, no. 342. The Trial Chamber understands the position of Minister of Internal Affairs to be the same as that of Minister of Interior. For consistency purposes, it shall refer to 'Minister of Interior'.

<sup>1207</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), para. 23.

<sup>1208</sup> D597 (Ratko Adžić, witness statement, 27 May 2014), para. 25; Ratko Adžić, T. 24804-24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Karadžić, 17 September 1993), p. 1.

<sup>1209</sup> Ratko Adžić, T. 24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Karadžić, 17 September 1993), p. 1.

<sup>1210</sup> Mile Matijević, T. 43113; P7800 (Personnel file of Simo Drljača), pp. 24, 31.

<sup>1211</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), para. 33.

<sup>1212</sup> Milenko Karišik, T. 33196.

<sup>1213</sup> Adjudicated Facts II, no. 1353.

<sup>1214</sup> Adjudicated Facts I, no. 351.

<sup>1215</sup> Adjudicated Facts I, no. 352.

<sup>1216</sup> Adjudicated Facts I, no. 354.

<sup>1217</sup> Adjudicated Facts I, no. 422.

<sup>1218</sup> Adjudicated Facts I, no. 350.

<sup>1219</sup> Adjudicated Facts I, no. 422.

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

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

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

<sup>1220</sup> P4321 (MUP personnel file of Stojan Župljanin), pp. 3-6, 10-11, 13-15.

<sup>1221</sup> P4321 (MUP personnel file of Stojan Župljanin), p. 2.

<sup>1222</sup> Adjudicated Facts I, no. 347.

<sup>1223</sup> Adjudicated Facts I, no. 348.

<sup>1224</sup> P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1.

<sup>1225</sup> Adjudicated Facts I, no. 325.

<sup>1226</sup> P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1.

<sup>1227</sup> The Trial Chamber understands this to refer to all CSBs and SJBs that existed at the time and were part of the Bosnia-Herzegovina MUP.

<sup>1228</sup> Adjudicated Facts I, nos 328, 344.

<sup>1229</sup> Adjudicated Facts I, no. 326.

<sup>1230</sup> Adjudicated Facts I, no. 327.

<sup>1231</sup> Adjudicated Facts I, nos 324, 329.

‘organizations’ that had been legally charged with maintaining order in a given area.<sup>1232</sup>

**Dragan Kijać** testified that the SJB was responsible for the collection of information about war crimes and other criminal offences committed against the non-Serb population in Bosnian-Serb territory.<sup>1233</sup>

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

#### *Command and control within the MUP*

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

<sup>1232</sup> Adjudicated Facts I, no. 330.

<sup>1233</sup> D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 28.

<sup>1234</sup> P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Arts 1, 19.

<sup>1235</sup> P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 19. *See also* D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 27; Dragan Kijać, T. 40000.

<sup>1236</sup> P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 20.

<sup>1237</sup> P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 25.

<sup>1238</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 6, 13.

<sup>1239</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 25.

<sup>1240</sup> Dragan Kijać, T. 39984-39985.

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

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

327. The Law on Internal Affairs tasked all MUP personnel to 'preserve the lives of people and human dignity' in the course of carrying out their duties.<sup>1247</sup> Moreover, it provided that '[a]uthorized officials shall execute orders issued by the Minister, or by their immediate supervisor, given in order to carry out matters and tasks of national and public security, except when such orders are contrary to the constitution of the law [sic]'.<sup>1248</sup> Pursuant to guidelines of Karadžić of July 1992, the Minister of Interior was to pass an act adjusting the internal structure of the Ministry to wartime conditions and issue instructions on how members of the MUP were to perform tasks and duties.<sup>1249</sup>

**Karišik** confirmed that, as set out in Article 43 of the Law on Internal Affairs, issuing orders was within the exclusive remit of the Minister of Interior and that 'authorised officials' were duty bound to comply with these orders, unless they constituted a

<sup>1241</sup> Adjudicated Facts I, no. 349.

<sup>1242</sup> Adjudicated Facts I, no. 333.

<sup>1243</sup> Adjudicated Facts I, no. 334.

<sup>1244</sup> Adjudicated Facts I, nos 333, 336.

<sup>1245</sup> Dragan Kijać, T. 40019.

<sup>1246</sup> P2362 (Witness RM-015, witness statement, 13 March 2002), para. 52.

<sup>1247</sup> Adjudicated Facts I, no. 337. The Trial Chamber notes that Adjudicated Fact no. 337 refers to the 'Law on Interior Affairs'. The Trial Chamber understands that this is the same law as the 'Law on Internal Affairs'. For consistency purposes, the Trial Chamber refers to this law as the 'Law on Internal Affairs' throughout the Judgment.

<sup>1248</sup> Adjudicated Facts I, no. 338.

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

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

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

<sup>1249</sup> Adjudicated Facts I, no. 367.

<sup>1250</sup> Milenko Karišik, T. 33177-33178; P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 43.

<sup>1251</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), para. 32.

<sup>1252</sup> P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15400.

<sup>1253</sup> P7806 (MUP order signed by Mićo Stanišić sent to CSBs, 18 April 1992).

<sup>1254</sup> P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 2. *See also* P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1.

<sup>1255</sup> P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 3; P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1.

<sup>1256</sup> P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 3. *See also* P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1; P7804 (Report by Drljača to Banja Luka CSB, 29 May 1992).

<sup>1257</sup> Mile Matijević, T. 43117-43118. *See also* P7805 (Daily MUP Bulletin, 27 May 1992), pp. 1-2.

<sup>1258</sup> Mile Matijević, T. 43090.

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

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

#### *Special Units within the MUP*

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

<sup>1259</sup> D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 39.

<sup>1260</sup> Dragan Kijać, T. 40019-40020; P7586 (Minutes of the Expert Collegium of the MUP, 12 November 1993), p. 4.

<sup>1261</sup> Dragan Kijać, T. 40019-40020.

<sup>1262</sup> D934 (Dispatch from RJB forwarded by Kovač on the President's decision to declare a state of war, August 1995), pp. 1-2.

<sup>1263</sup> Adjudicated Facts I, no. 335.

<sup>1264</sup> Adjudicated Facts I, no. 355.

<sup>1265</sup> Adjudicated Facts I, no. 422.



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

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

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

<sup>1266</sup> Adjudicated Facts I, no. 356.

<sup>1267</sup> Adjudicated Facts I, no. 357.

<sup>1268</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 57.

<sup>1269</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 54, 56.

<sup>1270</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 56.

<sup>1271</sup> Adjudicated Facts I, no. 355.

<sup>1272</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), paras 23, 33.

<sup>1273</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), para. 28.

<sup>1274</sup> Adjudicated Facts I, no. 358.

<sup>1275</sup> Adjudicated Facts II, no. 1353.

the municipal police companies; and (ii) the Special Police detachments of the Bosnian-Serb Special Police Brigade.<sup>1276</sup>

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

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

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

<sup>1276</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.14.

<sup>1277</sup> D597 (Ratko Adžić, witness statement, 27 May 2014), para. 27.

<sup>1278</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15.

<sup>1279</sup> D935 (Milenko Karišik, witness statement, 23 June 2013), para. 32.

<sup>1280</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8571. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15.

<sup>1281</sup> P3455 (Witness RM-336, *Popović et al.* transcript, 16 November 2006), p. 4083.

<sup>1282</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15. *See also* P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10797; D976 (Nedo Jovičić, witness statement, 3 August 2014), para. 4.

<sup>1283</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8569.

<sup>1284</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572-8573.

<sup>1285</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8570-8571.

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

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

<sup>1286</sup> P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14787-14790, 14797-14798, 14872; Witness RM-333, T. 6747-6748.

<sup>1287</sup> P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14790, 14798.

<sup>1288</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572, 8648; P2177 (Excerpts from the Bosnian-Serb MUP Work Report for 1995), p. 2. *See also* P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14789, 14802, 14791-14792; Witness RM-333, T. 6770, 6795-6796, 6801-6804; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), pp. 2, 5.

<sup>1289</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572-8573, 8576; 8600-8601, 8648; P2177 (Excerpts from the Bosnian-Serb MUP Work Report for 1995), p. 2. *See also* P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14789, 14802, 14791-14792; Witness RM-333, T. 6770, 6795-6796, 6801-6804; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), pp. 2, 5.

<sup>1290</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8567-8568, 8649.

<sup>1291</sup> P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10842-10843.

<sup>1292</sup> P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10793, 10797.

<sup>1293</sup> P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14791, 14794-14795.

<sup>1294</sup> P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14794.

<sup>1295</sup> P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14791, 14794-14797.

<sup>1296</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8568-8569.

<sup>1297</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8578.

<sup>1298</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8576-8579.

<sup>1299</sup> P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8571-8572.

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

### *The Trial Chamber's findings*

#### *Establishment and structure of the MUP*

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

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

<sup>1300</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.16.

<sup>1301</sup> P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.17.

<sup>1302</sup> P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), p. 6. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.17.

<sup>1303</sup> P3455 (Witness RM-336, *Popović et al.* transcript, 16 November 2006), pp. 4081-4084, 4087-4089, 4102.

<sup>1304</sup> P3455 (Witness RM-336, *Popović et al.* transcript, 16 November 2006), pp.4088-4090, 4093-4094.

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

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

*Command and control*

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

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

*Special police units within the MUP*

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

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

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

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

### 3.5 Paramilitary formations

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

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

<sup>1305</sup> Adjudicated Facts IV, no. 288.

<sup>1306</sup> Adjudicated Facts I, no. 314.

<sup>1307</sup> Adjudicated Facts I, no. 315.

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

### 4.1 Banja Luka Municipality

#### 4.1.1 Murder

##### *Schedule B.1.1*

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

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

<sup>1308</sup> Indictment, paras 39(a)(ii), 51-53, 59(a)(ii), 62(b), 70, Schedule B.1.1.

<sup>1309</sup> Defence Final Brief, para. 855.

<sup>1310</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.

<sup>1311</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2, 7, 17.

<sup>1312</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>1313</sup> **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 6-7, 10, 13. **Enis Šabanović**: P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 7. **Ewa Tabeau and documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 21-22; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 294-296; P4690 (Record of autopsies and repeated autopsies, 2 February 2008), pp. 1-2, 8; P5966 (Autopsy report for Ermin Bahtić, 10 November 2007), pp. 1, 3; P5968 (Autopsy report for Haris Bišćević, 2 February 2008), p. 1; P5969 (Autopsy report for Medin Hadžiahmetović, 2 February 2008), p. 1; P5970 (Autopsy report for Medin Hadžiahmetović, 2 February 2008), p. 1-2; P5971 (Autopsy report for Jasmin Jelečević, 2 February 2008), p. 1; P5972 (Autopsy report for Neron Mehadžić, 19 January 2008), p. 1; P5973 (ICMP notice of DNA reports, 30 January 2008), p. 3; P5974 (Autopsy report for Fajko Pašić, 8 December 2007), pp. 1-2; P5975 (Sanski Most Court Ruling on the death of Fajko Pašić, 11 September 1997), pp. 1-2.

<sup>1314</sup> Adjudicated Facts I, no. 481.

<sup>1315</sup> Adjudicated Facts I, no. 482.



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

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

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

<sup>1316</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7.

<sup>1317</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 7.

<sup>1318</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7.

*Schedule B.1.2*

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

<sup>1319</sup> Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.1.2.

<sup>1320</sup> Defence Final Brief, paras 858-860, 864. The Trial Chamber notes that the Defence also argued that the Indictment ‘incorrectly purports 40 scheduled victims’, Defence Final Brief, para. 862. However, the Indictment does not make such allegation. The Defence appears to take this number from P2796, an expert report by Ewa Tabeau.

<sup>1321</sup> Defence Final Brief, para. 864.

<sup>1322</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3; P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2; P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

<sup>1323</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

<sup>1324</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2, 7.

<sup>1325</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

<sup>1326</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>1327</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.

<sup>1328</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>1329</sup> **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 49-50, 87-89, 91-94, 96, 98; P3612 (Diary of Ahmet Zulić, second book), pp. 5-6. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 4-5; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), pp. 10841-10842. **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 5-8, 11; P3433 (Bekir Delić, *Brđanin* transcript, 4 July 2002), p. 7978; P3435 (1KK Command daily combatant

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

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

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

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

<sup>1331</sup> Adjudicated Facts I, no. 483.

<sup>1332</sup> Adjudicated Facts I, no. 484.

<sup>1333</sup> Adjudicated Facts I, no. 485.

<sup>1334</sup> Adjudicated Facts I, no. 486.

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

<sup>1336</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 96; P3612 (Diary of Ahmet Zulić, second book), p. 5.

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

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

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

<sup>1337</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4.

<sup>1338</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), p. 10832.

<sup>1339</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4.

<sup>1340</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), p. 7.

<sup>1341</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 91.

<sup>1342</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 92. *See also* P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.

<sup>1343</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

<sup>1344</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.

<sup>1345</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.

<sup>1346</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 91.

<sup>1347</sup> Witness RM-051, T. 2893, 2918-2919.

<sup>1348</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.

<sup>1349</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 95; P3612 (Diary of Ahmet Zulić, second book), p. 6.

<sup>1350</sup> P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), p. 10832. The Trial Chamber understands Adil Draganović’s mention of ‘Regan’ (P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 11) to refer to the person called Rega.

<sup>1351</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

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

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

<sup>1352</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 7-8.

<sup>1353</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

<sup>1354</sup> P3125 (Enis Šabanović, *Brdanin* transcript, 5 June 2002) pp. 6543-6544.

<sup>1355</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

<sup>1356</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 95; P3612 (Diary of Ahmet Zulić, second book), p. 6.

<sup>1357</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 104.

<sup>1358</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 98.

<sup>1359</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 13.

<sup>1360</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 98.

<sup>1361</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 99.

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

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

<sup>1362</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 100, 104.

<sup>1363</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 101.

<sup>1364</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 101-102.

<sup>1365</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 12-13.

<sup>1366</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 13.

<sup>1367</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 7-8.

<sup>1368</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.

<sup>1369</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 11.

<sup>1370</sup> P220 (Daily report from Manjača camp operational team to the 1KK Command, 9 July 1992), p. 1;

P227 (Daily report from Manjača camp operational team to the 1KK Command, 8 July 1992), pp. 1-2.

*See also* D900 (Radomir Radinković, witness statement, 8 December 2013), p. 5; Radomir Radinković, T. 31783-31784.

<sup>1371</sup> In relation to the number of suffocated detainees, the Adjudicated Facts state that 'more than 20 prisoners died'. Bekir Delić and Adil Draganović stated that 17 suffocated. Given the circumstances of the transport, the Trial Chamber finds that the detainees' estimates concerning the number of suffocated detainees are not of sufficient reliability to rebut the Adjudicated Facts. Having considered the daily report from the Manjača camp operational team, the Trial Chamber concluded that the number of suffocated was 24.

<sup>1372</sup> While there is an inconsistency between P227 and the witnesses' accounts pertaining to the types of trucks used to transport the detainees, the Trial Chamber has relied on the first-hand accounts of the witnesses. The Trial Chamber considered that the type of truck, different from the number of dead, was a marginal detail in the camp's reporting and may have been prone to inaccuracy.

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

*Schedule B.1.4*

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

<sup>1373</sup> Indictment paras 11-12, 39(a)(ii), 59(a)(ii), 62(b), Schedule B.1.4.

<sup>1374</sup> Defence Final Brief, paras 866-867, 869-872.

<sup>1375</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

<sup>1376</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

<sup>1377</sup> **Enis Šabanović**: P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 9-11. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.

<sup>1378</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.

<sup>1379</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.

<sup>1380</sup> P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

<sup>1381</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.

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

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

<sup>1382</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.

<sup>1383</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2.

<sup>1384</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

<sup>1385</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1386</sup> P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033. Part of Adil Medić’s evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1387</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2.

<sup>1388</sup> P3402 (Asim Egrić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10607.

<sup>1389</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>1390</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

<sup>1391</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018). Part of Witness RM-018’s evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1392</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>1393</sup> Adjudicated Facts I, no. 487.

<sup>1394</sup> Adjudicated Facts I, no. 488.



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

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

<sup>1395</sup> D900 (Radimir Radinković, witness statement, 8 December 2013), p. 12; D901 (Table of concordance of Adjudicated Facts). The Trial Chamber notes that Radinković was shown the following Adjudicated Fact: 'Between June and November 1992, at least 10 prisoners died inside Manjača camp as a result of beatings or of sporadic killings' (Adjudicated Fact, no. 487). According to him, this is not true as only two detainees lost their lives inside the camp.

<sup>1396</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5268, 5348.

<sup>1397</sup> P222 (Daily report of Manjaca camp to command of 1KK, 29 July 1992), p.1.

<sup>1398</sup> P3264 (ECMM report, 3 September 1992), paras 1, 3, 15; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 40-41.

<sup>1399</sup> The witness was a security officer at the camp as of May 1992, and testified to events occurring at the camp at least until 13 December 1992, *see* D900 (Radimir Radinković, witness statement, 8 December 2013), pp. 1, 6, 9; Radimir Radinković, T. 31746-31747, 31830.

<sup>1400</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

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

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

<sup>1401</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.

<sup>1402</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8-10. *See also*, P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.

<sup>1403</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.

<sup>1404</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.

<sup>1405</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

<sup>1406</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9. *See also* P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

<sup>1407</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.

<sup>1408</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

<sup>1409</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.

<sup>1410</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

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

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

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

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

<sup>1411</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.

<sup>1412</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.

<sup>1413</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.

<sup>1414</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

<sup>1415</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

<sup>1416</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 9-10.

<sup>1417</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 123; P3612 (Diary of Ahmet Zulić, second book), pp. 11-12; P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 5; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9621-9623.

<sup>1418</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15; P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10610; P3394 (Atif Džafić, witness statement, 28 September 2011), para. 126.

<sup>1419</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 4, 6.

<sup>1420</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6.

<sup>1421</sup> P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 1.

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

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

**Witness RM-051** testified that three perpetrators of the killings were removed from the camp the same day, but acknowledged they were prosecuted only in 2007.<sup>1426</sup>

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

<sup>1422</sup> Witness RM-051, T. 2895; P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 1.

<sup>1423</sup> P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), pp. 1-2.

<sup>1424</sup> P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 2.

<sup>1425</sup> Witness RM-051, T. 2932; P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 2.

<sup>1426</sup> Witness RM-051, T. 2895-2896, 2957-2958.

<sup>1427</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13, witness statement of 7 July 2000, p. 5; P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

<sup>1428</sup> P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 5.

<sup>1429</sup> P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 5. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.

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

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

<sup>1430</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13, witness statement of 7 July 2000, p. 5. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.

<sup>1431</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.

<sup>1432</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 8-9.

<sup>1433</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.

<sup>1434</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 10.

<sup>1435</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 9.

<sup>1436</sup> P227 (Daily report from Manjača camp operational team to the 1KK Command, 8 July 1992), p. 2.

Filipović, Husein Delalović and Esad Bender were killed in a stable although he did not witness their killing.<sup>1437</sup>

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

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

<sup>1437</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 94.

<sup>1438</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 4-5.

<sup>1439</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.

<sup>1440</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 9.

<sup>1441</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 9.

<sup>1442</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-98, 100.

<sup>1443</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 97.

<sup>1444</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-98; Witness RM-018, T. 2020.

<sup>1445</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-99.

<sup>1446</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 99.

intervened by taking the detainees to a stable and questioning the soldiers as to who had ordered their actions.<sup>1447</sup>

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

<sup>1447</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 86, 99.

<sup>1448</sup> The following persons were identified: Said Babić (1953), Esad Bender (1959), Dedo Crnalić (1926), Husein Delalović (1938), Salahudin Durmišević (1960), Omer Filipović (1953), Mirzet Jahić (1959), Besim Materić (1959), and Emir Mulalić (1962).

<sup>1449</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992); P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998); P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998).

<sup>1450</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315; P4696 (Identification report pertaining to the remains of Husein Delalović, 22 June 2006); P4697 (Death certificate for Husein Delalović, 29 January 2007); P4698 (Autopsy report for Husein Delalović, 22 June 2006).

<sup>1451</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.

<sup>1452</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.

<sup>1453</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1; P5996 (Missing person's certificate for Emir Mulalić, 4 April 2013).

<sup>1454</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report for Husein Delalović, 22 June 2006), p.1; P4697 (Death certificate for Husein Delalović, 29 January 2007); P4698 (Autopsy report for Husein Delalović, 22 June 2006); P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998); P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998); P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1; P5996 (Missing person's certificate for Emir Mulalić, 4 April 2013).

<sup>1455</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.

<sup>1456</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report for Husein Delalović, 22 June 2006), p.1; P4697 (Death certificate for Husein Delalović, 29 January 2007) p.1; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 1; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5; P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998), p. 2; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1.

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

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

<sup>1457</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992), pp. 6-7; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 2; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5.

<sup>1458</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report pertaining to the remains of Husein Delalović, 22 June 2006), p. 1; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 1; P4698 (Autopsy report for Husein Delalović, 22 June 2006), p. 1; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p. 1.

<sup>1459</sup> P4696 (Identification report for Husein Delalović, 22 June 2006), p.2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 1.



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

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

<sup>1460</sup> The Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* that Manjača camp held detainees between 3 June and 18 December 1992.

<sup>1461</sup> The Trial Chamber notes that the various witness accounts are not entirely consistent as to the precise date or time when specific individuals were killed. Considering the number of witnesses providing evidence and the fact that these witnesses gave evidence many years after the incidents in question, the Trial Chamber finds that these inconsistencies do not affect the overall finding on the charge.

<sup>1462</sup> In light of the detailed evidence by Witness RM-709 and the forensic evidence concerning the cause of death of Husein Delalović, the Trial Chamber does not rely on P227, which states that the victim died of natural causes.

<sup>1463</sup> See Prosecution Final Brief, Annex B, p. 1.

<sup>1464</sup> See Prosecution Final Brief, Annex B, p. 1.

<sup>1465</sup> See P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315.

<sup>1466</sup> See P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992), pp. 6-7; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 2; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5.

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

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

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

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

#### *4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

##### *Schedule C.1.2*

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

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

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

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

<sup>1468</sup> Indictment, paras 39(b)-(c), 53, 59(b)-(d), 59(g), Schedule C.1.2.

<sup>1469</sup> Defence Final Brief, paras 839, 841. *See also* Defence Final Brief, paras 901-905; T. 44734.

<sup>1470</sup> Defence Final Brief, paras 842, 883-887; T. 44603, 44735-44736.

<sup>1471</sup> D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

<sup>1472</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

<sup>1473</sup> P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.

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

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

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

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

<sup>1477</sup> **Muhamed Filipović**: P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is also reviewed in chapter 9.2.10. **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

<sup>1478</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3. The evidence of Adil Draganović is also reviewed in chapter 4.12.7.

<sup>1479</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.

<sup>1480</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

<sup>1481</sup> **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). See also P3279 (Table of Concordance).

<sup>1482</sup> P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033. The evidence of Adil Medić is also reviewed in chapter 9.2.10.

<sup>1483</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>1484</sup> P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281. The evidence of Charles McLeod is also reviewed in chapter 9.2.10.

<sup>1485</sup> P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.

<sup>1486</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502. The evidence of Boško Amidžić is also reviewed in chapter 9.2.10.

<sup>1487</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.

<sup>1488</sup> P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.

<sup>1489</sup> P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, curriculum vitae), p. 1.

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

<sup>1490</sup> P4163 is reviewed in chapter 4.1.2 *Schedule C.2.1*.

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

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

*Establishment and security at Manjača camp*

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

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

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

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

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

<sup>1495</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

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

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

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

<sup>1496</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.1, 2.31, 2.231, 2.240.

<sup>1497</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.2-2.4. *See also* P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5257, 5261; Witness RM-051, T. 2937-2938.

<sup>1498</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.6.

<sup>1499</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.9.

<sup>1500</sup> Adjudicated Facts I, no. 458. Given that, according to Brown's evidence, Manjača camp was active in 1992, the Trial Chamber understand Adjudicated Fact 458 to mean that in mid-May 1992, Manjača camp was reactivated.

<sup>1501</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 25.

<sup>1502</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 24. *See also* P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 14.

<sup>1503</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 59; Osman Selak, T. 2970, 2992, 3000; P253 (Excerpts from Osman Selak's Diary) p. 4.

<sup>1504</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.9-2.11, 2.13.

<sup>1505</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 26.

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

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

<sup>1506</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.16.

<sup>1507</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.13-2.15, 2.17. *See also* P353 (Mladić notebook, 27 May - 31 July 1992), pp. 44, 53-61; P246 (Report by 1KK Commander Talić to the VRS Main Staff, 1 June 1992).

<sup>1508</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.29. *See also* P377 (Instructions on the treatment of POWs, 15 June 1992); P3540 (Instructions on the treatment of captured persons, 13 June 1992).

<sup>1509</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 7, 10. *See also* P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8; P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.

<sup>1510</sup> Osman Selak, T. 2976-2977, 3002.

<sup>1511</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107. *See also* P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.

<sup>1512</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31730.

<sup>1513</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107; P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.

<sup>1514</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 3, 7, 10.



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

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

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

<sup>1515</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 100. *See also* P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 3; P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.35, 2.66, 2.68-2.72-2.73, 2.76, 2.87.

<sup>1516</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 100; P3397 (Map of Manjača camp drawn by Atif Džafić). *See also* D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2.

<sup>1517</sup> Adjudicated Facts I, no. 439.

<sup>1518</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.25, 2.65.

<sup>1519</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 86.

<sup>1520</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.36-2.37.

<sup>1521</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1522</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5265-5267, 5365.

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

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

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

<sup>1523</sup> P3268 (Order of the 1KK command, 27 July 1992), p. 1.

<sup>1524</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31737-31738, 31768.

<sup>1525</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.

<sup>1526</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5266.

<sup>1527</sup> Radomir Radinković, T. 31730-31731.

<sup>1528</sup> P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.

<sup>1529</sup> Adjudicated Facts I, no. 460.

<sup>1530</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5261, 52164-5265. *See also* P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2387-2388.

<sup>1531</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.

<sup>1532</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 45; Witness RM-016, T. 17465.

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

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

<sup>1533</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.

<sup>1534</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17. *See also* P146 (Witness RM-018, witness statement, 28 July 1999), para. 86; P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2387-2388.

<sup>1535</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 120.

<sup>1536</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.

<sup>1537</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.

<sup>1538</sup> P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9609-9610, 9625.

<sup>1539</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 2, 8, 10; Radomir Radinković, T. 31736.

<sup>1540</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2, 8; Radomir Radinković, T. 31736.

<sup>1541</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 3; Radomir Radinković, T. 31737.

<sup>1542</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 10.

<sup>1543</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 7. *See also* P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.

<sup>1544</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 97, 103, 120; P3612 (Diary of Ahmet Zulić, second book), pp. 6-7.

<sup>1545</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.

<sup>1546</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 7.

<sup>1547</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 120.

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

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

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

#### *Detainees at Manjača camp*

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

<sup>1548</sup> P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6188.

<sup>1549</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.

<sup>1550</sup> P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 39.

<sup>1551</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 10.

<sup>1552</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 32-33.

<sup>1553</sup> P3144 (Witness RM-093, witness statement, 12 October 2002), p. 38.

<sup>1554</sup> Adjudicated Facts I, no. 461.

<sup>1555</sup> Adjudicated Facts I, no. 459.

<sup>1556</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.30. *See also* P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1557</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1558</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 129.

were arrested and subsequently detained at Manjača camp, approximately 90 per cent of whom were from Sanski Most Municipality.<sup>1559</sup>

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

<sup>1559</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 137; P3615 (Handwritten list of detainees, undated).

<sup>1560</sup> Adjudicated Facts I, nos 459, 462.

<sup>1561</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.42-2.46.

<sup>1562</sup> P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), pp. 6164-6165. *See also* P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 5-7; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6487-6488; P3127 (Order by the Sanski Most Crisis Staff, 6 June 1992).

<sup>1563</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 5-7; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6487-6488; P3127 (Order by the Sanski Most Crisis Staff, 6 June 1992).

<sup>1564</sup> P3870 (Conclusions of the Sanski Most Crisis Staff, 6 June 1992).

<sup>1565</sup> P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), pp. 6164-6165; P3255 (Letter from the public security station to the Manjača commander, 6 June 1992). *See also* P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 5, 7.

<sup>1566</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras 96-99.

<sup>1567</sup> P3402 (Asim Egrić, witness statement, 23 May 1997), p. 5; P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), pp. 10567-10568. *See also* P214 (Witness RM-051, *Stanišić and Župljanin* transcript,

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

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

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

<sup>1568</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 2-4, 73-74, 83-85.

<sup>1569</sup> D900 (Radimir Radinković, witness statement, 8 December 2013), p. 7.

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

<sup>1571</sup> Radimir Radinković, T. 31823-31824.

<sup>1572</sup> Radimir Radinković, T. 31751-31752.

<sup>1573</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), paras 2.41, 2.55, 2.209.

<sup>1574</sup> P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 1.

<sup>1575</sup> P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 1.

Serb,<sup>1577</sup> and 96.5 per cent Muslim, and the POWs were being treated very humanely and as much as possible in accordance with the Geneva Conventions.<sup>1578</sup> All detainees were over the age of 14, which was considered to be the military age threshold.<sup>1579</sup> According to Popović, everyone was being interrogated and if it was proven that a person did not take part in fighting, that person would be released.<sup>1580</sup> **McLeod** saw that a few detainees were wearing parts of uniforms but the overwhelming majority were wearing civilian clothes and introduced themselves as civilians.<sup>1581</sup> One of the people who had escorted him to the camp told McLeod that because they needed the detainees' uniforms, they had taken them and replaced them with civilian clothing.<sup>1582</sup> **Draganović** specified that he only saw three ABiH soldiers and a few Serb deserters and Croat officers among the detainees.<sup>1583</sup> **Adem Seferović** also recalled that only three detainees at Manjača camp wore military uniforms and that those were Croatian military uniforms.<sup>1584</sup>

393. **Witness RM-016** testified that, unlike what was stated in a report from the Chief of Banja Luka SJB, only four people held at the Manjača detention centre were charged with a crime in the Banja Luka Military Court; the four were later acquitted and released.<sup>1585</sup> **Witness RM-051** testified that people detained at Manjača camp were suspects of crimes, but were not convicted of any crime upon their arrival at the camp.<sup>1586</sup> He was not aware of any case in which criminal proceedings were taken

<sup>1576</sup> Boško Amidžić, T. 29538; P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 2.

<sup>1577</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7309; P3264 (ECMM report, 3 September 1992), para. 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42. The Trial Chamber notes that our sources in relation to the percentage of Serb POWs in the camp are varying between 0.04 per cent and 0.4 per cent. Therefore, the Trial Chamber will assess this percentage as less than 1 per cent.

<sup>1578</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7306-7307, 7309, 7318; P3264 (ECMM report, 3 September 1992), paras 4-6, 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 40, 42; P3270 (Table of concordance).

<sup>1579</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7378.

<sup>1580</sup> P3264 (ECMM report, 3 September 1992), para. 33; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 44.

<sup>1581</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7317-7318, 7333, 7399; P3264 (ECMM report, 3 September 1992), para. 37; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57.

<sup>1582</sup> P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57.

<sup>1583</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 14.

<sup>1584</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.

<sup>1585</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 49; Witness RM-016, T. 17423, 17465-17467; P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).

<sup>1586</sup> Witness RM-051, T. 2874-2875.

against any of them.<sup>1587</sup> According to a news article dated 19 July 1992 by US journalist Roy Gutman, during an inspection by the ICRC in July 1992, the Serb army offered foreign journalists interviews with seven selected detainees and a camp doctor, in the presence of a camp guard. Many of the detainees he spoke to did not know why they had been brought to the camp; most of them stated that they had not taken up arms against the Serbs who had attacked their towns, and some stated that prior to their arrest, they had already turned over their legally registered guns to the Serbs as had been demanded. Banja Luka mayor Pedrag Radić told Gutman that the Manjača camp detainees had been offered to be exchanged for Serb POWs who were being held by Croats and Muslims, which led Gutman to conclude that the only purpose for their detention was for them to be used in bargaining for the exchange for Serb soldiers.<sup>1588</sup>

394. The number of detainees at Manjača at any one time between June and December 1992 varied from several hundred to over 3,000.<sup>1589</sup> At one point there were approximately 3,640 men detained in Manjača camp.<sup>1590</sup> **Witness RM-018** testified that Manjača camp comprised approximately 4,000 detainees.<sup>1591</sup> **Draganović** stated that about 6,000 men passed through the camp and the witness believed there was an average of 4,500 men in the camp at any given time between May and December 1992.<sup>1592</sup> **Witness RM-709** stated that when Omarska camp closed, the remaining detainees were transferred to Manjača camp, raising the total number to approximately 7,000 detainees.<sup>1593</sup> **Muhić** stated that by the time he was released, in November 1992, there were 3,900 detainees in the camp.<sup>1594</sup> The witness knew this figure because every day, one person in the stable had to count all the detainees in the stable and report it to a soldier and later, all those responsible for reporting the number of detainees in their stables compared notes.<sup>1595</sup> **Radinković** estimated the overall number of detainees that passed through the camp to be about 4,000 to 4,500, but that there were never more than 3,000 or 3,200 detainees at the camp at one time.<sup>1596</sup>

<sup>1587</sup> Witness RM-051, T. 2874-2875, 2900.

<sup>1588</sup> P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 2.

<sup>1589</sup> Adjudicated Facts I, no. 479.

<sup>1590</sup> Adjudicated Facts I, no. 462.

<sup>1591</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 86.

<sup>1592</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1593</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

<sup>1594</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8, 10.

<sup>1595</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8.

<sup>1596</sup> Radomir Radinković, T. 31738, 31740-31743, 31747-31750.



395. In response to a written request by Merhamet to the command of the 1KK, between 110 to 120 detainees, among them under-age, elderly, and sick detainees, were released around 10 July 1992.<sup>1597</sup> In August and September 1992, more detainees were released.<sup>1598</sup> **Zulić** specified that about four under-aged boys as well as some men older than 60 years, were released on 28 August 1992, when the ICRC visited the camp.<sup>1599</sup> **Radinković** testified that detainees were selected to be released based on the evaluation and proposal of the intelligence and security organ, the camp commander, medical services, and with the approval of the 1KK Command and, sometimes, higher state authorities.<sup>1600</sup> A list compiled by the intelligence and security organ in August 1992 named 92 sick detainees for whom there was no evidence of participation in military activities.<sup>1601</sup> Only two detainees were amnestied on 11 September 1992 out of a group of 69 detainees from Manjača and Trnopolje camps whom the Presidency granted amnesty.<sup>1602</sup> Following a written report by the ICRC on the situation of the POWs in Manjača camp resulting from their visit to the camp on 17 July 1992, Mladić ordered on 12 August 1992 that the 1KK Command was to carry out a number of actions to improve the living conditions of the POWs in the camp. The actions to be undertaken were building a camp with all the necessary facilities according to international law by forming a working team composed of the POWs; that the POWs were to have adequate accommodation, water amounting to no less than 20 liters per 'prisoner', and meals of 2,800 calories per person per day; that the 'prisoners' were to be allowed to have a weekly bath, change and washing of underwear, medical check-ups and spraying; that POWs who were wounded, sick, or handicapped were to be transferred to a special facility which was to be made into a prison hospital; and that all manner of abuse, physical assaults, and beatings of 'prisoners' were to be terminated immediately.<sup>1603</sup> Mladić also ordered that the possibility of releasing 'civilian prisoners' should be considered, and that lists of 'prisoners' who had been released, exchanged, or who were deceased were to be sent to the ICRC. The 1KK Command was to report to the VRS Main Staff on the realization of the measures by 20 August 1992.<sup>1604</sup> According to **Radinković**, the intelligence and security organ could not act on the telegram, as far as

<sup>1597</sup> Adjudicated Facts I, nos 439, 478.

<sup>1598</sup> Adjudicated Facts I, no. 478.

<sup>1599</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 116.

<sup>1600</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 5.

<sup>1601</sup> Radomir Radinković, T. 31790.

<sup>1602</sup> Radomir Radinković, T. 31793.

<sup>1603</sup> P2881 (VRS Main Staff order, 12 August 1992), pp. 1-2.

the release of civilians was concerned, as they would have required an order from the 1KK Command in this respect.<sup>1605</sup> The remaining detainees named on the August 1992 list compiled by the intelligence and security organ, were subsequently sent by buses to a third country.<sup>1606</sup> There were also a few instances of pardoning individuals on orders signed by Karadžić and at least once by Vojo Kuprešanin.<sup>1607</sup> On 1 October 1992, the ARK Assembly requested that the Bosnian-Serb Presidency pardon and release 13 Muslim detainees from Manjača camp as it ‘has been established that they did not participate in the insurrection’ against the Bosnian-Serb Republic.<sup>1608</sup>

396. In December 1992, Manjača camp was closed and the ICRC took care of the detainees that were released.<sup>1609</sup> Pursuant to a VRS Main Staff order dated 14 December 1992, on 15 December 1992 General Momir Talić ordered the Manjača camp commander, the 1KK Command, the assistant commander for moral guidance, the assistant commander for logistics, and the chief of the intelligence and security department to immediately close down Manjača camp. The detainees not suspected of having committed crimes were to be handed over to the ICRC, which would act as an intermediary in directing them to new locations of their choice.<sup>1610</sup> ‘POWs’ for whom there were grounds for suspicion that they had committed criminal acts, crimes against humanity, or war crimes were to be transferred to Batkovići camp near Bijeljina, and were to be treated in accordance with a Bosnian-Serb MoD instruction on the treatment of POWs dated 13 December 1992.<sup>1611</sup> The addressees of the order were to report back to Talić regarding the closing down no later than 26 December 1992. Of those prisoners for whom investigation had not determined that they had committed any war crimes, 132 were to be sent to Kula camp near Sarajevo in order to be exchanged for ‘Serbian’ detainees.<sup>1612</sup>

<sup>1604</sup> P2881 (VRS Main Staff order, 12 August 1992), p. 2.

<sup>1605</sup> Radomir Radinković, T. 31812, 31815-31816, 31819.

<sup>1606</sup> Radomir Radinković, T. 31800-31801.

<sup>1607</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 9, 10.

<sup>1608</sup> P3883 (Request from ARK Assembly to Bosnian-Serb Republic Presidency for pardon of Manjača camp detainees).

<sup>1609</sup> Adjudicated Facts I, no. 478.

<sup>1610</sup> P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1.

<sup>1611</sup> P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1. The Trial Chamber understands the reference to ‘Batkovići’ camp to be to Batković camp.

<sup>1612</sup> P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1.

397. **Egrlić** stated that he remained in Manjača camp until 13 December 1992 when he was moved to Batković camp.<sup>1613</sup> **Witness RM-026** stated that on 18 December 1992, he hastily signed a release form he did not have much time to read, in exchange for his release.<sup>1614</sup> During the last 15 days of his detention at the camp, the witness saw journalists every few days.<sup>1615</sup> A 1KK combat report and an ICRC press release confirmed that on 18 December 1992, Manjača camp was disbanded with the release of 418 or 419 detainees.<sup>1616</sup> Eight other detainees who were treated at Banja Luka hospital were also released. All detainees were taken to Croatia and handed over to the UNHCR. Prior to their release, the ICRC had interviewed the detainees to verify that they wished to be transferred out of Bosnia-Herzegovina.<sup>1617</sup>

398. According to a report by the Manjača Camp Operative Group to the 1KK Command, on 22 June 1992, the Manjača Camp Operative Group, following the receipt of files from the SJB and after 'processing' the detainees, recommended the release of a group of 37 detainees older than 60 as well as a group of 13 detainees younger than 18 years.<sup>1618</sup> The Operative Group further included a recommendation for the release of three 'seriously sick individuals' present in the camp, as well as a man named Asif Hadžić, who had been brought to Manjača camp 'by mistake'.<sup>1619</sup> The order to interview Asif Hadžić had come from Colonel Stevilović of the 1KK Security Organ, who was Stevan Bogojević's superior.<sup>1620</sup>

399. A report by the Manjača Camp Operative Group to the 1KK Command states that on 27 June 1992, Manjača camp held 1,702 detainees, two of whom were in the Banja Luka hospital.<sup>1621</sup> According to another report by the Manjača Camp Operative Group to the 1KK Command, on 1 July 1992, Manjača camp held 1,859 detainees.<sup>1622</sup> More

<sup>1613</sup> P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.

<sup>1614</sup> P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2388-2389.

<sup>1615</sup> P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.

<sup>1616</sup> P3886 (1KK Command combat report), p. 1; P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).

<sup>1617</sup> P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).

<sup>1618</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5282-5283; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.

<sup>1619</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5282-5283; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.

<sup>1620</sup> Witness RM-051, T. 2894-2895; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.

<sup>1621</sup> P218 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 27 June 1992), p. 1.

<sup>1622</sup> P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992), p. 1.

than 95 per cent of these detainees were Muslims; the Operative Group recommended that all persons above 60 years of age and all persons up to 18 years of age, as well as seriously sick detainees be released.<sup>1623</sup>

400. On 2 July 1992, there were a total of 1,869 detainees in Manjača camp.<sup>1624</sup> The camp commander from at least 8 August 1992 was called Božidar Popović.<sup>1625</sup> Newly arrived detainees were processed by the Manjača Camp Operative Group.<sup>1626</sup> On 2 July 1992, the Manjača Camp Operative Group processed detainees from Ključ and Sanski Most, confirming that 18 'POWs' had participated in arming and offering resistance in those municipalities.<sup>1627</sup>

401. A report by the Manjača Camp Operative Group to the 1KK Command states that on 4 July 1992, there were 1,870 detainees in Manjača camp, 54 of whom were over 60 years old, nine were younger than 18 years old, and five were seriously sick.<sup>1628</sup> The Manjača Camp Operative Group stated that it had been agreed with the SJB Sanski Most and Colonel Stevilović that all persons above 60 years of age and all persons up to 18 years of age, as well as seriously sick detainees be released.<sup>1629</sup> The Operative Group reported that Manjača camp held a total of 268 detainees from Sanski Most Municipality.<sup>1630</sup> A report from the Manjača Camp Operative Group to the 1KK Command stated that on 5 July 1992, all 268 detainees from Sanski Most had been processed, that their statements had been taken, and that criminal reports would be issued by the SJB Sanski Most 'against those who merit to have criminal reports against them issued'.<sup>1631</sup> The Operative Group provided representatives from the SJB Sanski

<sup>1623</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5288-5289; P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992), p. 1-2.

<sup>1624</sup> P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992).

<sup>1625</sup> P2908 (Manjača camp, Daily Report by Manjača Operative Group to 1KK Command, 8 August 1992), p. 2; see also P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.

<sup>1626</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1; P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1; P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1; P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 1; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.

<sup>1627</sup> P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992).

<sup>1628</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5290-5291; P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.

<sup>1629</sup> P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.

<sup>1630</sup> P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.

<sup>1631</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5291; P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.

Most with a list of ‘POWs’ who were older than 60 and younger than 18 years of age as well as a list of seriously sick detainees in order to discuss the possibility of them returning to their place of residence.<sup>1632</sup> The Operative Group intended to act similarly when processing detainees from Ključ the next day.<sup>1633</sup>

402. A report by the Manjača Camp Operative Group to the 1KK Command of 8 July 1992 states that ‘It is characteristic, as was the case with previously processed prisoners, that a large majority of prisoners brought to Manjača POW camp had no weapons, nor have they actively participated in the organisation or implementation of the armed rebellion. This fact makes it difficult to collect and complete documentation on criminal acts necessary for function of illegal activities.’<sup>1634</sup> The report further states that ‘the mistakes that were noticed earlier, such as bringing in people younger than [*sic*] 18 and older than 60, still continue.’<sup>1635</sup>

403. On 9 July 1992, the Manjača Camp Operative Group sent a report to the 1KK Command, which states that after the exchange of five detainees from the camp and following the receipt of new detainees from Sanski Most and Ključ, the camp had a total of 2,470 detainees.<sup>1636</sup> Nine of these detainees were active duty military personnel, 13 were members of the police or the SUP, 26 were reserve officers who graduated from the school for reserve officers, seven worked in the TO headquarters and secretariats, 48 were college graduates, and two were religious imams.<sup>1637</sup> The report further states that

The problems relating to reception of new prisoners, especially from the municipalities of Ključ and Sanski Most, is that they are being brought in massively and in large quantities, no selection has been made (they are bringing in those who shouldn’t be treated as POWs because they have been picked up from their homes and off their fields, as well as individuals older than 60 and younger than 18 years of age), no attention is paid to transportation, and the prisoners (who are humans after all) are dieing [*sic*] of thirst, and

<sup>1632</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5291-5292; P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.

<sup>1633</sup> P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.

<sup>1634</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5293; Witness RM-051, T. 2916-2917; P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992), p. 1.

<sup>1635</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5293; P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992), p. 1.

<sup>1636</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5295-5296; P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.

<sup>1637</sup> P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.

that [*sic*] the prisoners, also during transportation, are not being treated in line with the Geneva conventions: they are maltreated, beaten and humiliated to the extreme.<sup>1638</sup>

404. In the same report, the Operative Group states that selected detainees older than 60 and younger than 18 years of age, as well as the seriously sick, will be handed over to a representative of the Muslim humanitarian organisation 'Merhamet' who was scheduled to visit the camp the next day.<sup>1639</sup>

405. A regular combat report of 10 July 1992 by Colonel Stevan Bogojević, head of the command and control group of the 1KK, addressed to the VRS Main Staff, states that on that day, 105 detainees, who had not been charged with any crimes, were handed over to the organisation 'Merhamet'.<sup>1640</sup> Part of this handover was the release of 23 detainees younger than 18 years old, which was authorised by Colonel Vukelić.<sup>1641</sup>

**Witness RM-051** testified that the handover to Merhamet was the first time since June 1992 that detainees had been released from the facility.<sup>1642</sup>

406. A report of 16 July 1992 by the Manjača Camp Operative Group to the 1KK Command recounts a visit by an ICRC representative, who established that two detainees in isolation, Omer Filipović and Senad Šupuk, had been beaten and that there was fresh human blood on the walls of their cell.<sup>1643</sup> The report states 'According to information that is available to us, there was no "thrashing" today; however, that cannot be completely ascertained because it seems that the military policemen, together with the Security Commander, Staff Sergeant Mesar, just don't understand that the detainees are humans and that they are protected by international regulations while in the camp'.<sup>1644</sup> It commented that as far as injuries as a result of beatings are concerned, it

<sup>1638</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5295-5296, 5344-5345, 5386-5389; Witness RM-051, T. 2922-2924; P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.

<sup>1639</sup> P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.

<sup>1640</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5296-5297; P216 (Regular combat report from 1KK head of the command and control group Colonel Stevan Bogojević to the VRS, 10 July 1992), p. 1.

<sup>1641</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5297-5298; P228 (List of detainees younger than 18 years to be released from Manjača camp, dated 10 July 1992), p. 1.

<sup>1642</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5296-5297.

<sup>1643</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.

<sup>1644</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.

was difficult to ascertain when they were created, during arrest or while in detention.<sup>1645</sup>

The report continues

It is a fact that the soldiers – policemen are sometimes taking put [*sic*] prisoners whom they ‘don’t like’ or who they ‘like less’ by their own will and that they beat them as they please. We are trying to prevent and eradicate that, but it is difficult for us to make any success because of the attitude of the security commander towards the prisoners who often says ‘They should all be killed’ in front of the soldiers.<sup>1646</sup>

407. The Operative Group summarized some of the ICRC’s findings on Manjača camp: ‘It has been concluded that the material conditions are bad, that the food is bad (poor quality), poor hygiene, and that even the healthy detainees will get mentally sick should they be treated like this any more. Colonel Vukelić, Lieutenant-Colonel Popović and the security department reacted to all these stated [*sic*] and unargued conclusions, so the team reporter calmed down and corrected himself. It has been promised that everything will be done to improve the condition and attitude towards the prisoners’.<sup>1647</sup> The Operative Group recommended that in order to improve conditions in the camp ‘all instances of arbitrariness (inflicting serious bodily injuries)’ should be eliminated and once again underlined the importance of rotating military police personnel every 20 to 30 days in order to change their attitude towards the detainees.<sup>1648</sup>

**Witness RM-051** stated that following the report, the Operative Group ‘took steps through the military police’ to put a stop to their behaviour, and that the report was sent to Colonel Stevan Bogojević, head of the security department of the 1KK.<sup>1649</sup>

408. On 16 July 1992, Colonel Vukelić sent a report to 1KK Commander General Talić regarding the ICRC visit.<sup>1650</sup> The report describes the findings made by the ICRC, including traces of fresh blood found on the walls of the prison cells, and rejects these

<sup>1645</sup> P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.

<sup>1646</sup> P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.

<sup>1647</sup> Witness RM-051, T. 2925-2927; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.

<sup>1648</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.

<sup>1649</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5300; Witness RM-051, T. 2877.

<sup>1650</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5301; P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić).

as unfounded.<sup>1651</sup> Vukelić describes that the Manjača camp commander rejected the ICRC's request to have medical experts examine the detainees.<sup>1652</sup>

409. A report by the Manjača Camp Operative Group to the 1KK Command of 22 July 1992 comments

It should be noted that every new group of prisoners from Ključ and Sanski Most is less and less incriminated [*sic*], so we suggest that cases are selected, i.e. that this way of bringing of 'prisoners' is stopped, because if they did not have weapons, did not participate in activities and give any form of resistance, then such people cannot be treated as war prisoners, nor be brought to the POW camp. Incidentally, this camp can be considered as a detention camp, i.e. a camp for segregation of Muslims and Croats, which history will not forgive us.<sup>1653</sup>

410. The report continues

During the day, nine new 'war prisoners' were brought to the POW camp 'Manjača' from Ključ. Even the militiamen who brought them did not know how to explain why they "had imprisoned them" and brought them in. Truth to be said [*sic*], this is the first group which was brought intact, i.e. there are no traces of violence, so this is also a proof that they were probably brought only because they are Muslims and Croats.<sup>1654</sup>

411. The Operative Group reported that Manjača camp had 2,382 detainees on 22 July 1992.<sup>1655</sup> It recounted a visit from the ICRC to the camp, during which the ICRC managed to register all detainees and interviewed them regarding maltreatment and the reason for their detention.<sup>1656</sup>

412. On 23 July 1992, the Manjača Camp Operative Group reported to the 1KK Command that during the day, 994 detainees from Sanski Most had been processed.<sup>1657</sup> It communicated that their statements usually come down to two or three sentences;

<sup>1651</sup> P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić).

<sup>1652</sup> P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić), p. 1.

<sup>1653</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5301-5302; P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.

<sup>1654</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5301-5302; P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.

<sup>1655</sup> P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.

<sup>1656</sup> P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 2.

<sup>1657</sup> P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.



they were imprisoned while at home and brought to the camp without knowing the reason for it.<sup>1658</sup> The report laments that even though they are questioned by operation officers from the SJB Sanski Most, i.e. from the same terrain as the detainees, even these operation officers could not gather any proof for a trial against these detainees.<sup>1659</sup> A great number of the detainees did not take part in combat activities, were not in possession of weapons, and there is no evidence which could serve as a basis to keep them as detainees.<sup>1660</sup> The report urges the people and authorities responsible in the municipalities of Ključ and Sanski Most to refrain from bringing such persons to Manjača camp.<sup>1661</sup> The Operative Group stated furthermore:

[...] we warn once again that the Military Police commander should be informed that POW camp 'Manjača' is not a torture house, but a camp of war prisoners, who should be treated at least humanely. I will inform on the identity of the perpetrators.<sup>1662</sup>

413. A report by the Manjača Camp Operative Group to the 1KK Command of 29 July 1992 recounts that on that day, the camp had 2,384 detainees.<sup>1663</sup> It further states that the ICRC visited the camp on 28 July 1992 from 9 a.m. until 5 p.m.<sup>1664</sup>

414. On 6 August 1992, the head of the Security Organ of the 1KK, Colonel Stevan Bogojević reported to the Chief of the Prijedor National Security Sector that on that day, there were 944 detainees from Sanski Most Municipality in the camp.<sup>1665</sup> Bogojević stated that after processing detainees detained in Manjača camp, his unit realized that a large number of them could not be considered POWs as they did not have weapons, did not participate in combat and were not in uniform.<sup>1666</sup> Bogojević proposed that someone from the Prijedor National Security Sector be sent to Manjača to aid in the

<sup>1658</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.

<sup>1659</sup> P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.

<sup>1660</sup> P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.

<sup>1661</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.

<sup>1662</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), pp. 1-2.

<sup>1663</sup> P222 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 29 July 1992), p. 2.

<sup>1664</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5306; P222 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 29 July 1992), p. 2.

<sup>1665</sup> Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.

<sup>1666</sup> Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.

selection of detainees to be released from the camp, and requests that operative records be forwarded for the POWs transferred from Omarska to Manjača.<sup>1667</sup> Lastly, Bogojević stated

as you know, we have recently been attacked by the European and world media in connection with the existence of “concentration camps”, so this is sufficient reasons to carry out a prisoner selection.<sup>1668</sup>

415. On 7 August 1992, Zdravko Đurić, head of the 1KK Command, sent a report to the VRS Main Staff stating that approximately 1,460 POWs were brought from Omarska to Manjača camp.<sup>1669</sup> **Witness RM-051** explained that this transfer occurred following the closure of Omarska camp.<sup>1670</sup> The report further states that ‘the issue of the POW camp at Manjača is becoming complex in terms of physical security, and especially with regard to supplies, cooking, water and health protection and so on’.<sup>1671</sup>

416. On 7 August 1992, the Manjača Camp Operative Group sent a report to the 1KK Command stating that on that day, Manjača camp received detainees from Omarska camp but no paperwork came with the detainees.<sup>1672</sup> The Operative Group reported that the behaviour of people who participated in securing transportation of the detainees – was very incorrect, inhuman and bullying, and that when a member of the 1KK security organ warned them not to kill a half-dead detainee, they told him ‘[s]hould you act like that, you’ll get what he has gotten too’.<sup>1673</sup> The Operative Group further reported that ‘the investigator’ explained that these persons from Omarska were ‘serious extremists’ – whereas the team found that these detainees included people entirely unfit for combat, minors, people older than 60, sick persons and people who never participated in any form of combat, and considered they should be released.<sup>1674</sup> The team lamented their inclusion amongst the detainees and described it as ‘indicative of the thoughtless conduct of the organs in Prijedor and of shallow work of the organs of the police and

<sup>1667</sup> Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.

<sup>1668</sup> Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.

<sup>1669</sup> P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1.

<sup>1670</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5307.

<sup>1671</sup> P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1.

<sup>1672</sup> P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1.

<sup>1673</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5308; P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1; *see also* P235 (Report by the Manjača camp security centre, 10 August 1992), pp. 1-2.

the Secretariat of Interior', and requested that it urgently be provided with the official records of the interviews with the detainees from Omarska camp.<sup>1675</sup> The Operative Group reported that Manjača camp was full and did not have room for another single detainee.<sup>1676</sup>

417. On 17 August 1992, Prijedor SJB Chief Simo Drljača sent a list of 402 detainees who had been sent from Omarska to Manjača camp, stating that information regarding the remaining detainees would be forwarded within a week.<sup>1677</sup> The list includes five detainees who were over 60 years of age, and six minors.<sup>1678</sup>

418. On 18 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that an ICRC delegation brought the POWs blankets, sugar, and bars of soap for personal hygiene, and delivered some 600 messages to the guards from the prisoners.<sup>1679</sup> The ICRC delegates were told that in the future messages would not be allowed to be received or sent, except during regular ICRC camp inspections.<sup>1680</sup>

419. On 19 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that the lists of detainees aged less than 18 and more than 60 years were completed.<sup>1681</sup> Again, the camp was visited by a group of foreign journalists; they had a special interest in those detainees who appeared to be in a bad physical state and were allowed to enter one of the pavilions and make direct contact with the detainees.<sup>1682</sup> A newly arrived detainee, Marko Čavar, was interviewed by the journalists while he received medical aid.<sup>1683</sup> Around 8:00 p.m., a heated discussion took place between

<sup>1674</sup> P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), pp. 1-2.

<sup>1675</sup> P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 2.

<sup>1676</sup> P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1.

<sup>1677</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5311-5312; P236 (List of detainees from Omarska to Manjača camp, sent by Prijedor SJB Chief to Manjača camp Commander, 17 August 1992), p. 1. *See also* Witness RM-051, T. 2873-2874.

<sup>1678</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5311-5312; P236 (List of detainees from Omarska to Manjača camp, sent by Prijedor SJB Chief to Manjača camp Commander, 17 August 1992).

<sup>1679</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.

<sup>1680</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.

<sup>1681</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

<sup>1682</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

<sup>1683</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

Lieutenant Radomir Bojić, Commander of Security, and conscript Marko Raković, as the latter refused to carry out orders and had then insulted camp commander Božidar Popović.<sup>1684</sup> Detainee Ljubo Andrijević was released from the camp pursuant the approval of Lieutenant Colonel Milan Bogdanić.<sup>1685</sup>

420. On 20 August 1992, the representatives of the CSBs of Ključ, Banja Luka, and Prijedor attended a joint meeting with the Security Department in Manjača.<sup>1686</sup> The meeting had been convened in accordance with a telegram from the 'Main Staff of the Serbian Army'.<sup>1687</sup> Major Stupar and Vaso Skondrić, who were present at this meeting, presented tasks and instructions for 'joint work' which the representatives of the CSB's and all those present accepted; realization of these tasks commenced immediately thereafter.<sup>1688</sup>

421. On 20 August 1992, a meeting was held at Manjača regarding the position on the treatment and prominence of persons who participated in armed disturbances; it was attended by Božidar Popović, camp commander; Major Pero Stupar, co-ordinator of security organs of the Krajina Corps; Inspector Vaso Škondrić; and Radomir Radinković.<sup>1689</sup> The position of the 'Serbian republic presidency' was conveyed by Pero Stupar, whereas Vaso Škondrić conveyed the position of 'Serbian Bosnia Herzegovina MUP'. At the meeting, a list of 92 detainees at Manjača was discussed who were either seriously ill, or were minors and for whom the participants found that the need for their release from the camp should be reviewed by civil government organs in conjunction with the ICRC or the Islamic relief organisation Merhamet as 'their appearance was attracting attention' from the media and humanitarian organisations.<sup>1690</sup> A large number of detainees on this list of ill persons had severe health issues, having suffered one or more cardio-infarcts, suffering from active tuberculosis, or having undergone heavy

<sup>1684</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 3.

<sup>1685</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), pp. 3-4.

<sup>1686</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.

<sup>1687</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.

<sup>1688</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.

<sup>1689</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5312; P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 1.

<sup>1690</sup> P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 1-2.

surgery.<sup>1691</sup> It was further agreed that a precise record should be established of persons brought to Manjača camp.<sup>1692</sup> It was determined to review a list of 400 people detained at the camp for whom there is no evidence that they participated in armed combat, and that the aforementioned civilian authorities should take these detainees to a private camp or other form of accommodation.<sup>1693</sup> It was agreed that by 24 August 1992, a list of the remaining detainees in the camp should be analyzed.<sup>1694</sup>

422. On 22 August 1992, the Manjača Camp Operative Group sent a report to the 1KK Command noting the composition of the team on 21 August 1992: First Class Captain Dragomir Keserović; Captain Dubravko Prstojević; Lieutenant Vitomir Gajić; Staff Sergeant Radomir Radinković; and soldier Zdravko Čurguz.<sup>1695</sup> The Operative Group reported that it had received, amongst others, 171 persons from the investigating centre Omarska by the CSB Prijedor and that a list of their names but not the files relating to these detainees had been provided.<sup>1696</sup> The Operative Group stated that it released 167 detainees who were on two lists provided by the CSB Prijedor, which named a total of 171 detainees; according to the report one detainee did not exist and three names were duplicates.<sup>1697</sup> The Operative Group commented these persons ought not to have been brought to the camp, and that the physical appearance of a large number of them was worse than the persons who had already been taken out of Manjača camp.<sup>1698</sup> It set out the number of detainees it had released to several CSBs, but lamented the fact that in spite of the orders and many reminders the CSBs had received to take over detainees from Manjača camp, the most critical CSBs had turned a deaf ear

<sup>1691</sup> P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), pp. 3-10.

<sup>1692</sup> P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 2.

<sup>1693</sup> P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 15.

<sup>1694</sup> P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 15.

<sup>1695</sup> P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.

<sup>1696</sup> P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.

<sup>1697</sup> P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.

<sup>1698</sup> P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.

to that order.<sup>1699</sup> The report further states that representatives of the CSB Banja Luka visited the camp.<sup>1700</sup>

423. On 17 October 1992, the Manjača Camp Operative Group reported to the 1KK Command that two Manjača camp detainees had escaped into the woods.<sup>1701</sup> They tricked the policemen at official checkpoints into believing that they had been released.<sup>1702</sup> The Operative Group recommended that this information be provided to the SJB Sanski Most for further action.<sup>1703</sup> The two detainees were subsequently caught and brought back a few days later.<sup>1704</sup> The Operative Group remarked they were 'in good condition, [that is] to say, that no force had been used against them'.<sup>1705</sup> However, when they arrived, members of the military police mistreated them, which was observed by visiting ICRC delegates.<sup>1706</sup> The Manjača Camp Operative Group planned to investigate this incident and to report the use of force against detainees the next time.<sup>1707</sup> In the report, the Operative Group lamented the fact that it was unable to convince the members of the military police that their use of force on these detainees was a mistake that could not be corrected.<sup>1708</sup> On 29 October 1992, the operative team processed five Serb POWs.<sup>1709</sup>

424. On 5 November 1992, the Manjača Camp Operative Group reported to the 1KK Command and Major Stupar that ICRC representatives announced the release of 650 detainees that had been agreed with the authorities of the Bosnian-Serb Republic.<sup>1710</sup> Manjača camp had already received a list of 646 detainees who had been selected on the criteria of their age, i.e. younger than 18 and older than 60.<sup>1711</sup> The Operative Group continued with the selection of the detainees who were to be released from Manjača.<sup>1712</sup> The Operative Group expressed its concerns regarding 'the psychosis of the prisoners

<sup>1699</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5314; P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 2.

<sup>1700</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5314; P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 2.

<sup>1701</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.

<sup>1702</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.

<sup>1703</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.

<sup>1704</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), pp. 1-2.

<sup>1705</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.

<sup>1706</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.

<sup>1707</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.

<sup>1708</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.

<sup>1709</sup> P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.

<sup>1710</sup> P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

<sup>1711</sup> P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

<sup>1712</sup> P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

and their uncertainty is rising, because the nights are getting colder and after outgoing messages [*sic*] and finding out what the camp still won't be closed'.<sup>1713</sup> The Operative Group stressed that this could serve as a reason for the world public to attack their 'homeland in creation' and requested the 1KK to explain this situation to 'the Command'.<sup>1714</sup>

425. According to the minutes of the 123rd meeting of the War Presidency on 12 November 1992, attended also by Zdravko Pejić and Čedo Đukić, it was recommended that a total of 20 people who have been detained be transferred to Manjača camp.<sup>1715</sup>

426. On 14 November 1992, the Manjača Camp Operative Group reported to the 1KK Command that on that day, following the 'release' of 700 detainees to the ICRC, Manjača camp had 2,932 detainees.<sup>1716</sup>

427. On 11 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had prepared a list of 151 Croat detainees and a list of 132 Muslim detainees.<sup>1717</sup> On the same day, 11 new detainees from Kotor Varoš were brought to the camp by Major Mirko Kosić, escorted by the ICRC.<sup>1718</sup> At this occasion the ICRC delegates handed over a list on the basis of which three groups of approximately 1,000 detainees each should be released: one on Monday 14 December 1992, one on Wednesday and one on Friday.<sup>1719</sup> In the following days, the ICRC would deliver the coordinated lists of 1,000 detainees that were to be released.<sup>1720</sup> The Operative Group started selecting 250 'extremist Muslims' that could not 'go through the ICRC'.<sup>1721</sup>

428. On the order of the VRS Main Staff, a group of 532 detainees was sent to Batković camp on 13 December 1992 in order to be exchanged against Serb soldiers.<sup>1722</sup>

<sup>1713</sup> P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

<sup>1714</sup> P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

<sup>1715</sup> P3710 (Extract from the Minutes of the 121st, 122nd, and 123rd meetings of the War Presidency of Kotor Varoš Municipality, 10-12 November 1992), p. 1.

<sup>1716</sup> Witness RM-051, T. 2876; P241 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 14 November 1992), pp. 1-2.

<sup>1717</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.

<sup>1718</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1-2.

<sup>1719</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 4-5.

<sup>1720</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.

<sup>1721</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.

<sup>1722</sup> Witness RM-051, T. 2950-2951.

Another group of detainees left the camp on 14 December 1992, and the last group on 18 December 1992, after which the camp was closed.<sup>1723</sup>

429. On 13 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had selected detainees for their transfer from Manjača camp, and that at 7 a.m., camp supervisor Sergeant Kovačević took the detainees to the tarmac for the line-up.<sup>1724</sup> At noon a convoy composed of eleven buses, including two small ones left the camp.<sup>1725</sup> One hundred and forty-nine Croat and 383 Muslim detainees were taken from Manjača camp on that day.<sup>1726</sup> On the same day, a group of journalists visited the camp unexpectedly and an ICRC delegation brought a list of 1,000 detainees that had to be coordinated with the records in order to verify whether all the requested detainees existed.<sup>1727</sup> Once the Operative Group, together with the Security Commander and the Camp Commander, had completed this task, they could have a new list of 1,000 detainees ready for the next day, 14 December 1992, when the first transport was to take place.<sup>1728</sup> The Operative Group expressed serious doubts that the preparations could be finalised in time.<sup>1729</sup> The Manjača camp commander attempted to postpone the first transport of 1,000 POWs planned to start at 7 a.m. on the next day, but did not succeed.<sup>1730</sup>

430. On 14 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that between 9 a.m. and 12:30 p.m. that day, after all departing detainees had signed a statement that they wished to go with the ICRC, 1,008 detainees left Manjača camp in 21 buses escorted by six ICRC jeeps.<sup>1731</sup> At 4:30 p.m., the security department of Manjača camp received information that the convoy had crossed the bridge in Gradiška.<sup>1732</sup> The camp command then issued an order to empty two pavilions of the

<sup>1723</sup> Witness RM-051, T. 2925.

<sup>1724</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.

<sup>1725</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 2.

<sup>1726</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 3.

<sup>1727</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.

<sup>1728</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 1, 3-4.

<sup>1729</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.

<sup>1730</sup> P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.

<sup>1731</sup> P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), p. 1.

<sup>1732</sup> P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.



‘second camp’ and to accommodate the remaining 1,413 (mainly Muslim) detainees in the ‘first camp’.<sup>1733</sup>

*Conditions at Manjača camp*

431. The detainees were kept in large, crowded stables for livestock, where they sat or lay down for most of the day.<sup>1734</sup> There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.<sup>1735</sup> According to **McLeod**, during his visit on 30 August 1992, he saw that the men each had a blanket.<sup>1736</sup> **Radinković** testified that each detainee received two blankets, one to lie on and one for cover, and there was always a lot of straw on the prison grounds, which the detainees were allowed to bring inside at their discretion.<sup>1737</sup> **Amidžić** testified that he was responsible for providing food, accommodation, bathing materials, and clothing from the establishment of Manjača camp.<sup>1738</sup> On 6 June 1992, he arranged for what he described as a ‘necessary amount’ of blankets to be distributed to the detainees at the camp.<sup>1739</sup> Furthermore, according to Amidžić, the Manjača camp command submitted information on the number of detainees to the 1KK personnel in charge of food supply at the Kozara barracks, who then calculated the quantities of food and other necessities to be provided and delivered the supplies.<sup>1740</sup> The detainees at Manjača camp received the same quantity and quality of food and supplies as the members of the army supplied by the 1KK.<sup>1741</sup> The preparation and distribution of food was organized by the detainees themselves.<sup>1742</sup> Once the food was cooked, the commander had to be present to taste it

<sup>1733</sup> P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.

<sup>1734</sup> Adjudicated Facts I, no. 463.

<sup>1735</sup> Adjudicated Facts I, no. 463.

<sup>1736</sup> P3258 (Charles McLeod, *Brdanin* transcript, 21-24 June 2002), pp. 7314-7315; P3264 (ECMM report, 3 September 1992), para. 1; P3269 (Charles McLeod’s personal notes, 20-31 August 1992), p. 57.

<sup>1737</sup> D900 (Radimir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts). The witness was shown Adjudicated Fact 463, which reads: ‘There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.’ In response, he stated that ‘this is completely incorrect’.

<sup>1738</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 27; Boško Amidžić, T. 29470, 29490-29492, 29524.

<sup>1739</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.

<sup>1740</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 28; Boško Amidžić, T. 29469-29470.

<sup>1741</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 28; Boško Amidžić, T. 29469-29471, 29535.

<sup>1742</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 30; Boško Amidžić, T. 29469-29471, 29473-29474.

and approve its distribution.<sup>1743</sup> Amidžić was rarely present when the food was prepared and distributed so he could not personally verify if the food distribution was in accordance with the calculated ratios.<sup>1744</sup>

432. **Selak** testified that when he visited the camp on 3 June 1992, he saw that the detention area was only appropriate to accommodate 150 to 170 people, perhaps 200 if military bunk beds were used.<sup>1745</sup> He did not see any beds.<sup>1746</sup> **Witness RM-051** testified that Manjača camp had six stables, each of which could hold up to 600 to 700 detainees.<sup>1747</sup> **Ahmet Zulić** was placed in one of the stables which measured about 30 by 10 metres.<sup>1748</sup> **Witness RM-709** stated that the detainees were held in stables of about 50 by 20 metres.<sup>1749</sup> **Adil Draganović** stated that there were about 500 to 850 men per stable.<sup>1750</sup> **Sakib Muhić** stated that the detainees spent all their time in the stables and although the doors were not locked, they were always closed and the detainees were forbidden to go outside.<sup>1751</sup>

433. **Muhić** stated that the detainees dug a 12-metre-long trench with a wooden plank on top for a toilet; when the trench would overflow, the detainees would dig a new one. At night, the detainees used a barrel as a toilet inside the stable.<sup>1752</sup> **Zulić** explained that detainees were not allowed to go to the toilets outside of the stable when they wanted, but had to go in groups of ten. They were also not allowed to go wherever they wanted, for instance, it was forbidden to 'trample on Serbian grass'.<sup>1753</sup> According to **Šabanović**, detainees were not allowed to use the toilet more than once a day.<sup>1754</sup> **McLeod** stated, however, that Popović told the ECMM during a visit on 30 August

<sup>1743</sup> Boško Amidžić, T. 29473.

<sup>1744</sup> Boško Amidžić, T. 29470-29474.

<sup>1745</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 60; Osman Selak, T. 2977, 3001.

<sup>1746</sup> P244 (Osman Selak, witness statement, 13 July 2000), para. 61.

<sup>1747</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5262.

<sup>1748</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 106.

<sup>1749</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

<sup>1750</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13. *See also* P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5; P3394 (Atif Džafić, witness statement, 28 September 2011), paras 100-101, 129; P3397 (Map of Manjača camp, drawn by Atif Džafić); P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 3; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9617-9618; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 38; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10325; P3275 (Video of Manjača camp). *See also* P3279 (Table of Concordance); P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8.

<sup>1751</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

<sup>1752</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 107, 112.

<sup>1753</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 112.

1992 that the detainees were allowed to go to the toilet at least twice a day.<sup>1755</sup> **Karabeg** stated that the conditions at the camp were unsanitary.<sup>1756</sup> **Džafić** stated that there was no access to running water or washing facilities.<sup>1757</sup> In a news article dated 19 July 1992, US journalist Roy Gutman reported that the detainees had a shower every two weeks and most wore the clothes they arrived in six weeks earlier.<sup>1758</sup> According to **Džafić**, the detainees suffered from diseases in the camp as a result of the unsanitary conditions.<sup>1759</sup> **Zulić** also stated that some detainees had diarrhoea because of the very poor hygienic conditions in the camp. When the ICRC visited the camp they installed military showers outside and a couple of detainees were allowed to shower while the ICRC was there, and while the television was filming them.<sup>1760</sup> Afterwards, they were no longer permitted to take showers.<sup>1761</sup> It was only towards the end of August, when the ICRC settled in the camp for a longer period of time, that they brought plastic jerrycans and the detainees could fetch water and wash themselves.<sup>1762</sup> The camp was infested with lice.<sup>1763</sup> There were also quite a number of people with diabetes, high blood pressure, and injuries.<sup>1764</sup> However, **Amidžić** – who was engaged in the ‘Nuclear, Biological and Chemical Defence’ of the hygienic needs of all VRS members and detainees at the camp – testified that baths were taken as needed and as requested.<sup>1765</sup>

434. The ‘medical clinic’ in the camp was staffed by detainees.<sup>1766</sup> **Radinković** testified that, from his arrival at Manjača camp and at the proposal of the intelligence and security organ, Dr. Eniz Šabanović was included in the team of physicians.<sup>1767</sup> According to the witness, Šabanović had ‘semi-prison’ status; he stayed among the detainees but he had the right to ‘leave’ at his own request or when somebody, *e.g.* the nurse, would come to get him out, however, he was not released.<sup>1768</sup> According to

<sup>1754</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 10.

<sup>1755</sup> P3264 (ECMM report, 3 September 1992), paras 1, 41; P3269 (Charles McLeod’s personal notes, 20-31 August 1992), p. 45.

<sup>1756</sup> P3250 (Mirzet Karabeg, *Brdanin* transcript, 27-28 May 2002), p. 6186.

<sup>1757</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102.

<sup>1758</sup> P2891 (Article in ‘Newsday’ by Roy Gutman ‘Prisoners of Serbia’s war’, 19 July 1992), p. 1.

<sup>1759</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 105.

<sup>1760</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.

<sup>1761</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.

<sup>1762</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114-115.

<sup>1763</sup> Adjudicated Facts I, no. 464.

<sup>1764</sup> Adjudicated Facts I, no. 468.

<sup>1765</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.

<sup>1766</sup> Adjudicated Facts I, no. 468.

<sup>1767</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 7; Radomir Radinković, T. 31733.

<sup>1768</sup> Radomir Radinković, T. 31797-31798.

**Witness RM-051**, there was a nurse in the camp staff whose name was Aleksandar Bijelić.<sup>1769</sup> **Šabanović** recalled that on his arrival he saw a woman he referred to as a nurse wearing a camouflage uniform and a ribbon with a red cross around her arm.<sup>1770</sup> The 'medical clinic' suffered a severe shortage of medicine and supplies.<sup>1771</sup> According to **Šabanović**, in June or July 1992, no medical resources were available to him or the medical team. The situation changed after a first visit of the ICRC towards the end of June or the beginning of July 1992. Nevertheless, **Šabanović** had to hand over the more sought-after medicine such as antibiotics and vitamins to the military police who would keep it for themselves.<sup>1772</sup> On 24 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that the camp received two trucks of humanitarian aid from the ICRC including food, water containers, and medical supplies.<sup>1773</sup>

435. **Filipović** testified that he occasionally received painkillers for his injuries at a clinic outside of the camp, where the offices were located.<sup>1774</sup> **Witness RM-018** added that on 24 June 1992, two detainee doctors whom he identified as **Šabanović** and a person called Meho were ordered by the military police to examine the detainees.<sup>1775</sup> The military police guards disregarded the doctors' reports on the detainees' condition.<sup>1776</sup>

436. **McLeod** stated that, with regard to medical care and hygiene, Popović told the ECMM during the visit on 30 August 1992 that they tried to satisfy the conditions of Articles 32 and 33 of the Geneva Conventions but that the embargo had an impact on this.<sup>1777</sup> When told that medication was not embargoed, Popović replied that medical aid did not arrive because planes could not land and that they tried everything to ensure medical supplies were available for the sick.<sup>1778</sup> Popović told them that there was a good infirmary, an ambulance, and a field ambulance but that there was little or no

<sup>1769</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5276; Witness RM-051, T. 2931.

<sup>1770</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 7-8.

<sup>1771</sup> Adjudicated Facts I, no. 468.

<sup>1772</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1773</sup> P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), p. 3.

<sup>1774</sup> P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9617, 9619.

<sup>1775</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 84-85, 88.

<sup>1776</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 88.

<sup>1777</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7307; P3264 (ECMM report, 3 September 1992), paras 1, 8; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 40.

<sup>1778</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7395; P3264 (ECMM report, 3 September 1992), paras 9-10; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 41.

medicine.<sup>1779</sup> There were six doctors and three medical technicians among the POWs plus the medical personnel belonging to the military camp. Twenty five POWs had been taken care of in the Banja Luka hospital.<sup>1780</sup>

437. The food in the camp consisted of a thin broth and a slice of bread twice a day.<sup>1781</sup> **Šabanović** added that a typical meal also included a small piece of bacon.<sup>1782</sup> **Filipović** stated that prior to an ICRC visit, one tin of meat was divided among eight detainees.<sup>1783</sup> The rations caused many detainees to lose weight and become very thin, and others to be so hungry that they resorted to eating grass.<sup>1784</sup> **Džafić** stated that, on average, detainees lost 25 to 30 kilograms of body weight during detention in the camp.<sup>1785</sup> **Muhić** stated that he weighed 104 kilograms when he arrived in the camp and had dropped to 52 or 53 kilograms when the ICRC first weighed him. After the ICRC's visit, the detainees started to get food and **Muhić** gained around 20 kilograms in one month.<sup>1786</sup> According to **Filipović**, detainees fainted from hunger.<sup>1787</sup> At the end of August 1992, **Karabeg** observed that some of the detainees at Manjača camp were unable to stand.<sup>1788</sup> In contrast, **Radinković** testified that the detainees received the same amount of food as the staff of the camp and the witness never saw or heard about anyone eating grass. Furthermore, some detainees were visibly thin when they arrived at Manjača camp from other collection centres, but they gained weight during their time at Manjača camp.<sup>1789</sup> Furthermore, it was not possible to provide the detainees with adequate accommodation, meals in the amount of 2,800 calories per day, and 20 litres of water per detainee, as set out in a telegram dated 12 August 1992 and signed by Mladić.<sup>1790</sup> **McLeod** attended a meeting between the ECMM; Radić, the mayor of Banja Luka; Župljanin, the Banja Luka Chief of Police; and Colonel Vukelić, a representative

<sup>1779</sup> P3264 (ECMM report, 3 September 1992), paras 19-20; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.

<sup>1780</sup> P3264 (ECMM report, 3 September 1992), paras 18-19; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.

<sup>1781</sup> Adjudicated Facts I, no. 465.

<sup>1782</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1783</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 4; P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), p. 9618.

<sup>1784</sup> Adjudicated Facts I, no. 465.

<sup>1785</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 123; P3400 (Photography of witness Atif Džafić while detained in Manjača camp).

<sup>1786</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 12.

<sup>1787</sup> P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 4.

<sup>1788</sup> P3250 (Mirzet Karabeg, *Brdanin* transcript, 27-28 May 2002), p. 6186.

<sup>1789</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).

<sup>1790</sup> Radomir Radinković, T. 31812-31814.

of the 1KK, held on 20 August 1992, where Vukelić mentioned that the ICRC had requested an improvement of the conditions of the POWs, specifying that they should each receive 2,800 calories per day, while he could not even provide a lower number of calories for his soldiers.<sup>1791</sup> **Witness RM-051** also testified that during a period of the camp's operation in 1992, the camp was cut off from Serbia and the Bosnian-Serb Republic, which led to great logistical problems in delivering sufficient food and supplies to the camp.<sup>1792</sup>

438. **Džafić** stated that water was provided to the detainees in quantities that were insufficient to ensure survival.<sup>1793</sup> **Zulić** specified that detainees only received about two decilitres of water per day.<sup>1794</sup> **Radinković** testified that while there was no working water supply in the camp at the end of July 1992, water was brought from a nearby lake in hygienic containers and both detainees and guards drank the same water.<sup>1795</sup> When the detainees ran out of water, they were allowed to go to a source to get water, escorted by the military police.<sup>1796</sup> Later on, the water system began functioning.<sup>1797</sup> **Šabanović** stated that the water brought from the lake was full of impurities, even containing tadpoles and other small animals.<sup>1798</sup> **Zulić** stated that after 30 August 1992, the detainees received five-litre cans from the ICRC and were able to fetch water themselves from the nearby lake.<sup>1799</sup> According to a request dated 27 July 1992 by the Chief of Staff to the Assistant Commander for Logistics, the results of all recently conducted bacteriological tests of water for Manjača camp had been unsatisfactory and that it was necessary to replace about two kilometres of pipes. As stated in the request, this part of the water supply system was not used at that time but water was supplied by means of water tank trucks.<sup>1800</sup> **Amidžić** confirmed that there were also occasional

<sup>1791</sup> P3258 (Charles McLeod, *Brdanin* transcript 21-24 June 2002), pp. 7284, 7363; P3260 (ECMM report, 23 August 1992), pp. 1, 4; P3270 (Table of concordance).

<sup>1792</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5346; Witness RM-051, T. 2928.

<sup>1793</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102.

<sup>1794</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114.

<sup>1795</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; Radomir Radinković, T. 31782-31783; D901 (Table of Concordance of Adjudicated Facts).

<sup>1796</sup> Radomir Radinković, T. 31782.

<sup>1797</sup> Radomir Radinković, T. 31783.

<sup>1798</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11; P3125 (Enis Šabanović, *Brdanin* transcript, 5 June 2002) pp. 6529-6530.

<sup>1799</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114.

<sup>1800</sup> P232 (Request by 1KK Command to Assistant Commander for Logistics in 1KK, 27 July 1992), p. 1.

water supply problems at the camp.<sup>1801</sup> Later, plastic barrels with a capacity of 100 to 200 litres were provided for storing water next to the outhouses.<sup>1802</sup>

439. **Witness RM-051** testified that the situation at Manjača camp improved significantly once the humanitarian relief organizations were allowed to come into the camp sometime in July 1992 to distribute food to the detainees.<sup>1803</sup> During June and July 1992, Merhamet was allowed to visit the camp once a week to bring food and clothes, and after that the ICRC was allowed to come into the camp.<sup>1804</sup> **Džafić** considered that the conditions at the camp improved after the ICRC visit on or about 14 July 1992.<sup>1805</sup> The ICRC registered him and gave him the possibility to send letters to his relatives.<sup>1806</sup> The detainees were also allowed to receive one food parcel per week.<sup>1807</sup> **Šabanović** confirmed that the food only improved due to the fact that the ICRC brought supplies from outside.<sup>1808</sup> **Zulić** explained that after the ICRC came to the camp, the detainees were able to wash themselves more properly, something that was not possible before the visit.<sup>1809</sup> Adequate food was, however, only available after 28 or 30 August 1992.<sup>1810</sup> **Karabeg** confirmed that the conditions improved with the arrival of the ICRC: medical examinations were carried out and detainees received a quarter of a loaf of bread in the mornings and evenings instead of one small slice of bread.<sup>1811</sup> **McLeod** stated that Popović told the ECMM during the visit on 30 August 1992 that the ICRC arranged for humanitarian aid to be brought to the camp every three days, and a nutritionist was allowed to stay at the camp 'as long as he wanted'.<sup>1812</sup>

<sup>1801</sup> Boško Amidžić, T. 29549.

<sup>1802</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.

<sup>1803</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5346.

<sup>1804</sup> Witness RM-051, T. 2921. *See also* P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9623-9624; P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 2.

<sup>1805</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras 113, 119. *See also* P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7316; P3264 (ECMM report, 3 September 1992), para. 37; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57; P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10609; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9623-9624.

<sup>1806</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 118. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 121; P3612 (Diary of Ahmet Zulić, second book), p. 11; P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1807</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 120.

<sup>1808</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1809</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.

<sup>1810</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 111, 124. *See also* P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.

<sup>1811</sup> P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6189.

<sup>1812</sup> P3264 (ECMM report, 3 September 1992), para. 27; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 43, 45.

**Witness RM-051** confirmed that an ICRC nutritionist paid visits to the camp every day from 9 a.m. to 5 p.m.<sup>1813</sup> According to **Filipović**, the guards ‘themselves were in a crisis’, and that when the ICRC provided food, the guards said that the detainees ‘were being better fed than them’.<sup>1814</sup>

*Treatment of detainees at Manjača camp*

440. Detainees at Manjača camp were subjected to regular beatings.<sup>1815</sup> Beatings at Manjača camp also took place during interrogations.<sup>1816</sup> **Seferović** stated that there were beatings every night.<sup>1817</sup> **Draganović** and other detainees were beaten every two hours for the first seven days and nights of his detention.<sup>1818</sup> The beatings were inflicted with the use of, among others, fists, feet, batons, wooden poles, rifle butts, and electric cables. In some cases, these beatings were so severe as to result in serious injury.<sup>1819</sup> The detainees also witnessed beatings being inflicted on other detainees.<sup>1820</sup> **Šabanović** stated that after his arrival at the camp, he was interrogated by six military officers in olive-grey uniforms, after which the interrogators pointed at two other detainees, called them ‘*Ustašas*’, and beat them in front of the witness for almost an hour.<sup>1821</sup> A tall military policeman then made the Christian cross on the witness’s chest and kicked him.<sup>1822</sup> **Zulić** stated that detainees were referred to as ‘*Balijas*’.<sup>1823</sup> **Filipović** stated that Bulatović would make Omer Filipović take off his pants and then would pour hot tea over him.<sup>1824</sup> Omer Filipović was placed in solitary confinement and beaten for 19 days.<sup>1825</sup> Bulatović also delivered 94 blows with a police truncheon to another detainee, a Roma JNA officer from Serbia.<sup>1826</sup> **Draganović** described how guards threw water at

<sup>1813</sup> Witness RM-051, T. 2891, 2926.

<sup>1814</sup> P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9624-9625.

<sup>1815</sup> Adjudicated Facts I, no. 469.

<sup>1816</sup> Adjudicated Facts I, no. 471.

<sup>1817</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6. *See also* P3403 (Asim Egrić, *Brdanin* transcript, 10 October 2002), p. 10605.

<sup>1818</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.

<sup>1819</sup> Adjudicated Facts I, no. 472.

<sup>1820</sup> Adjudicated Facts I, no. 473.

<sup>1821</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.

<sup>1822</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.

<sup>1823</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 87, 94.

<sup>1824</sup> P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), p. 9620.

<sup>1825</sup> P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), p. 9620-9621.

<sup>1826</sup> P3134 (Muhamed Filipović, *Brdanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9618-9619.



the detainees when they were collapsing following beatings.<sup>1827</sup> **Šabanović** examined men who had their testicles tied up in a rope which was then pulled.<sup>1828</sup> He also described how on his first day at the camp, upon entering the stables, the detainees had to pass two German shepherd dogs standing at each side of the door. One of the dogs bit off one of the detainee's right calf.<sup>1829</sup> According to a news article dated 19 July 1992 by US journalist Roy Gutman, detainees who had been released from Manjača camp informed Gutman that detainees were beaten for 20 to 30 minutes and, in fear of more beatings, no one went to the doctor.<sup>1830</sup> **Egrlić** stated that detainees who had been beaten did not receive medical care and confirmed that if they tried to wait outside the medical unit for treatment, the guards would beat them.<sup>1831</sup>

441. **Šabanović** stated that a few detainees talked or complained to the ICRC and were subsequently severely beaten; according to the witness, no other detainees dared talking to the ICRC after that.<sup>1832</sup> **Zulić** stated that during an ICRC visit, a Swiss doctor inspected his wounds.<sup>1833</sup> After seeing that the doctor checked on him, three guards – Bulatović, Zoka, and another guard – beat the witness and he had to crawl back to his stable, unable to walk. The guards kicked him while he crawled, and said that there were more people they had to 'take care of' that evening and that the ICRC could 'screw his mother'.<sup>1834</sup> According to an ICRC report, its delegates decided to terminate their visit on 16 July 1992 prematurely as they noticed that two detainees had been subjected to ill treatment during the visit.<sup>1835</sup>

442. Detainees at Manjača camp were beaten by the military police who were manning the camp, and by those who had accompanied the detainees in their transfers from their municipalities of origin.<sup>1836</sup> **Muhić** stated that, before the ICRC registered the detainees, Špaga was the worst perpetrator and would prepare lists of people who were

<sup>1827</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1828</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1829</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.

<sup>1830</sup> P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), pp. 1-2.

<sup>1831</sup> P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10606.

<sup>1832</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1833</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 121.

<sup>1834</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 122.

<sup>1835</sup> P2880 (Letter by Karadžić to Bosnian-Serb Prime Minister Đerić, 7 August 1992, and ICRC report on Manjača camp, 25 July 1992), p. 5.

<sup>1836</sup> Adjudicated Facts I, no. 470.

to be beaten.<sup>1837</sup> According to the witness, guards could not beat detainees until Špaga ordered it.<sup>1838</sup> **Witness RM-018** considered that three military police guards named Siniša, Zoka, and Bulatović were the worst perpetrators of the beatings.<sup>1839</sup> **Šabanović** stated that he never saw Popović beat anyone.<sup>1840</sup> However, Popović was aware of the beatings being inflicted upon the detainees.<sup>1841</sup> Talić was also aware of the mistreatment being visited upon detainees and of the conditions in the camp.<sup>1842</sup> At a meeting on 22 June 1992, General Talić was informed by Medić that civilians were detained in inadequate conditions at Manjača camp and were being ill-treated.<sup>1843</sup>

443. **Egrlić** described how an army captain nicknamed Zenga interrogated him about events that took place in Ključ and the police guarding the camp beat him before and after each interrogation.<sup>1844</sup> **Radinković** testified that the civilian police interrogated detainees in the camp, with the knowledge and approval of the Chief of Security of the 1KK, and they beat detainees during those interrogations.<sup>1845</sup> Individual guards also forced detainees to beat one another.<sup>1846</sup>

444. **Radinković** personally observed fresh injuries, such as traces of blood, on some detainees, which he informed his superior Bogojević about.<sup>1847</sup> According to him, none of this was authorised by the camp officials, but individual guards acted ‘with bad intentions and a desire for revenge’.<sup>1848</sup> These incidents were reported up the chain of command, and the guards in question were dismissed.<sup>1849</sup> A large number of military officers were dismissed, including Staff Sergeant Mesar, Commander of Security, who was replaced before 28 July 1992 because he did not report the activity of individual

<sup>1837</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10. *See also* P146 (Witness RM-018, witness statement, 28 July 1999), paras 93-94; P2891 (Article in ‘Newsday’ by Roy Gutman ‘Prisoners of Serbia’s war’, 19 July 1992), p. 2.

<sup>1838</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.

<sup>1839</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 87, 90. *See also* P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10606; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9613-9614.

<sup>1840</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.

<sup>1841</sup> Adjudicated Facts I, no. 474.

<sup>1842</sup> Adjudicated Facts I, no. 475.

<sup>1843</sup> Adjudicated Facts I, no. 476.

<sup>1844</sup> P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), pp. 10568-10569.

<sup>1845</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 2, 4; Radomir Radinković, T. 31773-31774.

<sup>1846</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).

<sup>1847</sup> Radomir Radinković, T. 31774-31776.

<sup>1848</sup> Radomir Radinković, T. 31773-31774.

<sup>1849</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).

policemen; however these incidents were only dealt with by courts after the war.<sup>1850</sup>

**Witness RM-051** testified that if police officers committed a disciplinary offence, the Manjača camp commander would be responsible for dealing with the matter.<sup>1851</sup>

445. According to **Radinković**, the intelligence and security organ had no influence over the interrogations by the civilian police, as the civilian police had their own rules of conduct and were not duty-bound to report to the intelligence and security organ.<sup>1852</sup> According to him, members of the intelligence and security organ generally did not use force during questioning; however occasional beatings took place, whose perpetrators were punished.<sup>1853</sup> On the other hand, **Amidžić** did not see any signs of beatings on the detainees during his visits at the camp.<sup>1854</sup>

446. **Šabanović** stated that sometime in August 1992, Momir Talić came to the camp in his military uniform, and after his departure, the detainees were subjected to particularly harsh beatings lasting throughout the night and the next few days.<sup>1855</sup>

#### *The Trial Chamber's findings*

447. In relation to the number of detainees held in Manjača camp, the Trial Chamber has received evidence from Radomir Radinković that there were never more than 3,000 or 3,200 detainees at the camp. This contradicts Adjudicated Fact 462, which states that at one given point there were approximately 3,640 men detained at the camp. The Trial Chamber notes that Radinković's evidence is a mere estimate based on, *inter alia*, the assumption that 4,000 or 4,500 could not have fitted inside the camp.<sup>1856</sup> Under these circumstances, the Trial Chamber finds that Radinković's evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact 462.

448. The Trial Chamber has also received evidence from Radinković that all detainees at Manjača camp received two blankets and that detainees were allowed to bring straw from the camp grounds inside at their discretion, as well as that he never saw or heard of

<sup>1850</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6; Radomir Radinković, T. 31780.

<sup>1851</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5267-5268.

<sup>1852</sup> Radomir Radinković, T. 31773-31774.

<sup>1853</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; Radomir Radinković, T. 31774; D901 (Table of concordance of Adjudicated Facts).

<sup>1854</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 39; Boško Amidžić, T. 29545-29549.

<sup>1855</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 15.

<sup>1856</sup> See Radomir Radinković, T. 31750.

anyone eating grass. This evidence may be seen to contradict Adjudicated Fact 463, which states that while there was some straw and blankets, at times some detainees were lying directly on the concrete floor, and Adjudicated Fact 465, according to which the rations of food caused some detainees to be so hungry that they resorted to eating grass. However, the Trial Chamber notes that Radinković entered and observed the premises where detainees were held only occasionally, in the course of escorting journalists.<sup>1857</sup> The Trial Chamber therefore considers that this evidence only reflects Radinković's personal observations with respect to when he was present at the camp and does not contradict Adjudicated Facts 463 and 465. Under these circumstances, the Trial Chamber rejects the Defence's argument that Radinković's evidence rebuts Adjudicated Fact 463.<sup>1858</sup>

449. With respect to the status of the detainees at Manjača camp, the Trial Chamber received evidence from Boško Amidžić that Manjača camp was a POW camp.<sup>1859</sup> Furthermore, numerous reports from Manjača Camp Operative Group to the 1KK Command and from the 1KK Command to the VRS Main Staff refer to the detainees at Manjača camp as 'POWs'.<sup>1860</sup> This evidence may be seen to contradict Adjudicated Fact 459, according to which Manjača camp held almost exclusively civilians. The Trial Chamber however notes that Amidžić's evidence only referred to the purpose of the establishment of the camp and not to the status of the detainees at the camp. Furthermore, the Trial Chamber considers that the labelling of the camp as a 'POW camp' and of the detainees as 'POWs' is not indicative of their status, especially considering that some of the reports sent by the Manjača Camp Operative Group itself acknowledge the presence of minors and elderly among the detainees, as well as of people who had not participated in the armed conflict.<sup>1861</sup> Under these circumstances, the Trial Chamber finds that this evidence does not contradict Adjudicated Fact 459.

<sup>1857</sup> See Radomir Radinković, T. 31780-31781.

<sup>1858</sup> See Defence Final Brief, para. 889.

<sup>1859</sup> See D847 (Boško Amidžić, witness statement, 25 June 2014), paras 25, 32; Boško Amidžić, T. 29459-29460.

<sup>1860</sup> See, e.g., P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1; P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992); P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1; P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1; P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4; P3264 (ECMM report, 3 September 1992), paras 18-19; P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.

<sup>1861</sup> See P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992),

450. Based on the foregoing, the Trial Chamber finds that between 3 June and 18 December 1992, Manjača camp held<sup>1862</sup> at least 3,900 detainees.<sup>1863</sup> The detainees were almost exclusively civilian and predominantly men, some of whom were under-age, some over the age of 60, and some physically or mentally handicapped. With respect to the Defence's submission that a screening of detainees at Manjača camp took place, evidenced, *inter alia*, by the conclusion that some of the detainees had been allegedly involved in illegal possession and procurement of weapons, while two of them had been involved in the organization of armed resistance against the Serbs,<sup>1864</sup> the Trial Chamber notes that this does not affect its overall finding that the detainees at Manjača camp were predominantly civilians. In light of the foregoing, the Trial Chamber rejects the Defence's argument that Manjača camp held POWs and criminals. The detainees were primarily Bosnian Muslims, along with some Bosnian Croats, a few Bosnian Serbs, and at least one Roma.

451. The size of the farm in which the camp was located was approximately 700 hectares, of which only one and a half or two hectares were used for the camp itself. The detainees were held in stables for livestock of a few hundred square metres in size and between 500 to 850 detainees were held in one stable. As no beds were available, the detainees were provided with some straw and blankets, but at times they had to lie directly on the concrete floors. Sanitary conditions at the camp were poor. Ditches dug around the stables and barrels served as toilets, which the detainees were only permitted to use in groups of ten, sometimes not more than once a day. The water supply at the

P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992).

<sup>1862</sup> The Trial Chamber has received evidence from Radinković suggesting that one of the people who worked in the camp medical clinic was not held against his will as he had the right to leave at his own request. The Trial Chamber considers Radinković's testimony to be inconsistent on this matter, as he later testified that although it was recommended to his superiors that this person be the first to be released, he was not released (*see* Radomir Radinković, T. 31798), suggesting that he did not have the right to leave. The Trial Chamber therefore did not rely on Radinković's testimony in this respect.

<sup>1863</sup> The Trial Chamber notes that a number of witnesses provided evidence with respect to the total number of detainees that passed through Manjača camp, as well as on the number of detainees held at the camp at a particular point in time, *see* Radomir Radinković, T. 31738, 31740-31743, 31747-31750; P3293 (Adil Radinković, witness statements), witness statement of 30 October 1999, p. 13; P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8, P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8, 10. The Trial Chamber has based its finding on the minimum number of detainees who passed through the camp on the evidence of Sakib Muhić, who received his information from the persons who were responsible for reporting the number of detainees in the stables in which they were held and who later compared notes, as opposed to Radinković and Witness RM-709, who provided mere estimates with respect to the number of detainees held at or who passed through the camp.

<sup>1864</sup> *See* Defence Final Brief, paras 843, 901-904.

camp was sporadic and detainees could only rarely wash themselves.<sup>1865</sup> Drinking water was provided to the detainees in quantities as small as 0.2 litres per day. When the water supply was not functioning, the detainees would fetch drinking water from a nearby lake, which was full of impurities and small animals such as tadpoles.<sup>1866</sup>

452. At least during the first six weeks of the camp's existence, the food provided to the detainees was scarce, consisting of as little as a thin broth, a slice of bread, and a small quantity of meat, which caused many detainees to lose significant amounts of weight, occasionally faint from hunger, and resort to eating grass. The camp was infested with lice and many detainees suffered from various illnesses, some caused by the poor sanitary conditions at the camp. A medical clinic existed in the camp and was staffed by, among others, camp detainees, but it suffered a severe shortage of medicine and supplies, with medical resources being sometimes non-existent. Occasionally, detainees in need of medical care were taken to the Banja Luka hospital. After the ICRC was allowed to visit the camp between June and December 1992, the provision of food, water, sanitary conditions, and medical supplies improved; the ICRC and other organizations were permitted to bring supplies from the outside. However, the more sought-after medicine had to be handed over to the military police, who would keep it for themselves.

453. With respect to the Defence's argument that, due to a humanitarian crisis, the VRS lacked resources to provide for the Manjača camp detainees and that the guards at the camp did also not have sufficient food,<sup>1867</sup> the Trial Chamber finds some of the evidence supporting this argument to be unreliable. In this respect, the Trial Chamber

<sup>1865</sup> While according to Amidžić, '[b]aths were taken as needed and as requested', the witness himself admitted that there were occasional water supply problems at the camp, as a consequence of which plastic barrels for storing water had to be provided at the camp (*see* D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31; Boško Amidžić, T. 29549). The fact that there was no constant water supply at the camp and that the detainees could only rarely wash themselves is also supported by the evidence of Radomir Radinković (*see* Radomir Radinković, T. 31782-31783), Atif Džafić (*see* P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102), Ahmet Zulić (*see* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114), and Ewan Brown (*see* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.69), as well as by documentary evidence (*see* P232 (Request by IKK Command to Assistant Commander for Logistics in IKK, 27 July 1992), p. 1; P2880 (Letter by Karadžić to Bosnian-Serb Prime Minister Đerić, 7 August 1992, and ICRC report on Manjača camp, 25 July 1992), p. 6; P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 1).

<sup>1866</sup> In accordance with Radinković's evidence, both detainees and guards at Manjača camp drank the same water, which was brought from a nearby lake in hygienic containers. However, the witness did not specify whether *sufficient* water was provided to the detainees. Furthermore, even though the water may have been brought in hygienic containers, it may have contained impurities, as it was taken directly from a lake.

<sup>1867</sup> *See* Defence Final Brief, paras 883-885

notes that Amidžić, who testified that the detainees and the camp guards received the same quantity and quality of food, was rarely present when food was prepared and distributed and therefore could not personally verify how this occurred.<sup>1868</sup> Similarly, Radinković, who testified that the detainees received the same amount of food as the camp staff, only occasionally entered the premises where the detainees were kept.<sup>1869</sup> Moreover, given the overwhelming, reliable evidence that it received regarding the treatment of detainees at Manjača camp, which included regular beatings and mistreatment, as well as the evidence that, e.g., after medical supplies were available, the guards at the camp kept the more sought-after medicine,<sup>1870</sup> the Trial Chamber finds the suggestion that the camp guards received the same amount of food as the detainees to be disingenuous. Under these circumstances, and in light of the totality of the evidence, the Trial Chamber rejects the Defence's argument that the sole reason for which the detainees at Manjača camp were underfed was a lack of resources.

454. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that Manjača camp began operating under the control of the VRS 1KK, pursuant to instructions from the VRS Main Staff. Lieutenant Colonel Božidar Popović served as camp commander as of around 15 June 1992, and Predrag Kovačević a.k.a. Špaga, a military police officer, was his deputy. The guards at the camp were members of the VRS Military Police and members of the Banja Luka, Ključ, Prijedor, and Sanski Most SJBs, under the command of the 1KK.<sup>1871</sup>

<sup>1868</sup> See Boško Amidžić, T. 29470-29474.

<sup>1869</sup> See Radomir Radinković, T. 31780-31781.

<sup>1870</sup> See P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.

<sup>1871</sup> The Trial Chamber has received contradictory evidence with respect to whether the members of the civilian police were tasked with providing internal and/or external security at Manjača camp. According to Radomir Radinković, a military police battalion, under the command of the 1KK, was in charge of the internal security of the camp, while the civilian police were in charge of securing the external components of the camp (see D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31737-31738, 31768). Enis Šabanović and Ahmet Zulić also provided evidence that policemen were providing security outside the wired fence surrounding the camp (see P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17 and P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107). According to Exhibit P3268 however, the Manjača camp internal security forces comprised both members of the military and the civilian police, while the Manjača camp external security forces included three battalions of the 1st Light Artillery Regiment and one APC from the 2nd Armoured Brigade (see P3268 (Order of the 1KK command, 27 July 1992), p. 1). Furthermore, according to Sakib Muhić and Charles McLeod, individuals identified as soldiers were manning the machine guns positioned at the four corners of the camp and at least one of the camp's watchtowers, respectively (see P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7 and P3258 (Charles McLeod, *Brdanin* transcript, 21-24 June 2002), p. 7314). Under these circumstances, the Trial Chamber has been unable to make a determination on which units were in charge of providing internal security and which units were in charge of providing external security at the camp. In light of the totality of the evidence, the Trial Chamber is, however, satisfied that the camp was staffed, internally and externally, by members of VRS

455. As for the Defence's argument that the SJB members were not within the effective control of the 1KK, the Trial Chamber considered the evidence of a discussion between conscripts and a commander at the camp, as well as a report that soldiers and policemen were targeting and beating prisoners against their commander's orders.<sup>1872</sup> On the other hand, the Trial Chamber took into account Witness RM-051's statement, which confirmed that as soon as SJB members arrived at Manjača they were immediately subordinated to the VRS, and all disciplinary offences committed by these members were dealt with by the camp commander.<sup>1873</sup> Accordingly, although some of the evidence referred to by the Defence shows sporadic episodes of disobedience by SJB members, the Trial Chamber considers that they do not disprove the Corps's overall control of SJB members in the camp.<sup>1874</sup> Based on the foregoing, the Trial Chamber finds that the VRS 1KK detained people at Manjača camp and was responsible for the conditions at the camp.

456. The camp guards subjected detainees to regular beatings, including during interrogations. Kovačević also beat detainees at the camp. The beatings were inflicted with the use of fists and feet, as well as batons, wooden poles, rifle butts, electric cables and other implements and would sometimes result in serious injuries. Detainees who had been beaten did not receive medical care and would sometimes be prevented from seeking such care through further beatings. Sometimes, detainees were beaten daily or as often as every two hours for seven days in a row. On one occasion, members of the VRS Military Police forced detainees to beat one another. On another occasion, the camp guards kicked a detainee while he was crawling back to his stable, unable to walk as a consequence of a beating. The camp guards also severely beat detainees who talked or complained to the ICRC, preventing other detainees from doing the same during other ICRC visits. The Trial Chamber further finds that those who escorted detainees to Manjača camp, including members of the VRS and the civilian police, also beat detainees at the camp. Popović was aware of the beatings inflicted upon the detainees. The camp guards also subjected the detainees to various forms of mistreatment, such as tying up their testicles in a rope which was then pulled, placing them in solitary

Military Police and the Banja Luka, Ključ, Prijedor, and Sanski Most SJBs, under the command of the VRS 1KK.

<sup>1872</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), pp. 3-4; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.

<sup>1873</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5267-5268.



confinement, and making one detainee take off his pants and then pouring hot tea over him. Both the camp guards and Popović referred to the detainees as ‘*Ustašas*’ and ‘*Balijas*’. One camp guard, during a beating, made a Christian cross on a detainee’s chest. Popović told the detainees that they were going to ‘lose their heads’, that they were in ‘a Serb nation’, and that Bosnia belonged to the Serbs.

457. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

458. The Trial Chamber will consider the evidence with respect to the VRS permitting access to the ICRC and other humanitarian organizations, as well as international journalists to Manjača camp and the measures taken in response to some of the incidents which occurred at the camp in chapter 9.

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

459. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites in Banja Luka Municipality between 12 May 1992 and 30 November 1995.<sup>1875</sup> The Trial Chamber took judicial notice of two Adjudicated Facts relating to these charges.<sup>1876</sup> It also received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka,<sup>1877</sup> as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.<sup>1878</sup> The Trial Chamber further received evidence from **András Riedlmayer**, a bibliographer and art documentation specialist;<sup>1879</sup> **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for logistics in the 1KK from 14 February 1993;<sup>1880</sup> as well as documentary evidence.

<sup>1874</sup> See Defence Final Brief, para. 842.

<sup>1875</sup> Indictment, paras 47, 52, 59(j).

<sup>1876</sup> Adjudicated Facts I, nos. 489, 491.

<sup>1877</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>1878</sup> **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 39.

**Documentary evidence**: P3434 (Weekly report by Stojan Župljanin regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), pp. 3-4.

<sup>1879</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>1880</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

460. Attacks on private houses and business premises belonging to Bosnian Muslims and Bosnian Croats in the city of Banja Luka took place in mid 1992. Explosions were frequent and occurred mostly at night. Houses were attacked with hand grenades, rocket launchers, and rifle-launched grenades.<sup>1881</sup> **Witness RM-016** specified that a hair salon owned by a Muslim in Banja Luka was blown up in 1992 or 1993.<sup>1882</sup> The police failed to investigate the bombing of private houses and business premises in Banja Luka.<sup>1883</sup>

461. According to an interim report from the 1KK command to the VRS Main Staff, on 7 May 1993 at about 3:02 a.m., the Ferhadija mosque, the Arnaudija mosque, and the Gonji Šeher mosque were destroyed.<sup>1884</sup> The destruction caused considerable damage to the buildings in their vicinity. The police and forces defending the town sealed off the area and launched an investigation.<sup>1885</sup> According to **Witness RM-016**, the Ferhadija mosque in Banja Luka Town was blown up, as far as he remembers, on 1 May 1993, and although an on-site investigation was conducted by the 'basic court', the witness did not know of anyone being arrested or charged for carrying out a destruction.<sup>1886</sup> According to an article from The London Times, dated 14 May 1993, the mosque was destroyed by explosives on 7 May 1993. On 13 May 1993, the remains of the mosque were moved to the municipal rubbish dump. According to the article, also on 7 May 1993 the Arnaudija mosque was 'completely razed'. A Muslim community official interviewed for the article stated that on or around 1 May 1993, the Pobrdje mosque was set on fire.<sup>1887</sup>

462. **Boško Amidžić** testified that the 1KK Command never ordered the destruction of religious facilities in Banja Luka and issued a written order prohibiting the destruction of religious sites.<sup>1888</sup> Destructions occurred but were carried out by individuals and groups who were not under the command of the Corps.<sup>1889</sup>

<sup>1881</sup> Adjudicated Facts I, no. 489.

<sup>1882</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 39.

<sup>1883</sup> Adjudicated Facts I, no. 491.

<sup>1884</sup> P6991 (1KK Command interim report to the VRS Main Staff, 7 May 1993). *See also* P4298 ('Razing of Mosques Gives New Resolve to Muslims', The London Times, 14 May 1993). The Trial Chamber understands that Gonji Šeher refers to Gornji Šeher.

<sup>1885</sup> P6991 (1KK Command interim report to the VRS Main Staff, 7 May 1993).

<sup>1886</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 86; Witness RM-016, T. 17426; P2376 (Clarifications to statement of Witness RM-016, 23 September 2013).

<sup>1887</sup> P4298 ('Razing of Mosques Gives New Resolve to Muslims', The London Times, 14 May 1993).

<sup>1888</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 59.

<sup>1889</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 59; Boško Amidžić, T. 29518.

463. Riedlmayer testified that he received ‘informant statements’ mentioning the involvement of Bosnian-Serb sappers, specialised in explosives, in the destruction of the Ferhadija mosque.<sup>1890</sup> However, he clarified that he could not rule out that the destruction was done by civilians nor confirm it was done by the the military.<sup>1891</sup> He further testified that the 16 mosques of Banja Luka Town were damaged during the war without.<sup>1892</sup>

464. Riedlmayer testified that he received ‘informant statements’ mentioning the involvement of Bosnian-Serb sappers, specialised in explosives, in the destruction of the Ferhadija mosque.<sup>1893</sup> However, he clarified that he could not rule out that the destruction was done by civilians nor confirm it was done by the the military.<sup>1894</sup> He further testified that the 16 mosques of Banja Luka Town were damaged during the war without providing further precision.<sup>1895</sup>

465. With regard to Riedlmayer’s evidence on the perpetrators of the destruction of the Ferhadija mosque, the Trial Chamber notes that he obtained his information from informants’ statements. However, Riedlmayer did not specify how these persons obtained this information. Therefore, the Trial Chamber could not determine whether there was a solid basis for the conclusions presented to him and will not rely on his evidence in this respect.

466. Based on the foregoing, the Trial Chamber finds that in mid-1992 private houses and business premises belonging to Bosnian Muslims and Bosnian Croats in Banja Luka Town were frequently attacked, often at night. A private business owned by a Muslim was blown up in 1992 or 1993. Houses were attacked with hand grenades, rocket launchers, and rifle-launched grenades. The police failed to investigate these attacks. The Trial Chamber further finds that in early May 1993, three mosques located in Banja Luka Town were destroyed, and one mosque, located in the municipality, was set on fire. The Trial Chamber has not received evidence on the perpetrators of these incidents and is therefore unable to identify them. Under these circumstances, The Trial Chamber will not consider these incidents further in relation to Count 3 of the Indictment.

<sup>1890</sup> András Riedlmayer, T. 17958-17959.

<sup>1891</sup> András Riedlmayer, T. 17959-17960.

<sup>1892</sup> András Riedlmayer, T. 17983.

<sup>1893</sup> András Riedlmayer, T. 17958-17959.

<sup>1894</sup> András Riedlmayer, T. 17959-17960.

#### 4.1.4 Appropriation or plunder of property

467. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### 4.1.5 Forced labour and human shields

468. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Banja Luka Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.<sup>1896</sup> The Defence argued that the labour carried out by Manjača camp detainees was in accordance with the Geneva Conventions and that the VRS ordered that International Humanitarian Law be respected with regard to the detainees being used for labour.<sup>1897</sup> The Trial Chamber has received documentary evidence as well as evidence from a number of witnesses, both VRS officials and Manjača camp detainees, concerning this charge, including **Radomir Radinković**, a VRS 1KK intelligence and security;<sup>1898</sup> **Ewan Brown**, a military analyst;<sup>1899</sup> **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;<sup>1900</sup> **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in the Manjača camp from 17 June 1992 to 14 December 1992;<sup>1901</sup> **Adem Seferović**, a Bosnian Muslim from Hrustovo in Sanski Most Municipality,<sup>1902</sup> **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at the camp from about 6 June to 24 November 1992;<sup>1903</sup> **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May

<sup>1895</sup> Andrés Riedlmayer, T. 17983.

<sup>1896</sup> Indictment, paras 39(c), 47, 59(h).

<sup>1897</sup> Defence Final Brief, paras 881-882.

<sup>1898</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.

<sup>1899</sup> P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.

<sup>1900</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

<sup>1901</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

<sup>1902</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2.

<sup>1903</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

1992;<sup>1904</sup> **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;<sup>1905</sup> **Witness RM-709**, a Bosnian Muslim who deserted from the JNA in February 1992 and joined the Muslim TO in the village of Trnopolje;<sup>1906</sup> **Witness RM-017**, a Bosnian Muslim from Kozarac in Prijedor Municipality;<sup>1907</sup> **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;<sup>1908</sup> **Witness RM-051**, a VRS security officer;<sup>1909</sup> **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most town;<sup>1910</sup> **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;<sup>1911</sup> **Ahmet Zulić**, a Bosnian Muslim from the village of Pobrježje near Sanski Most;<sup>1912</sup> **Bekir Delić**, a Bosnian Muslim man from Sanski Most;<sup>1913</sup> and **Witness RM-016**, a Bosnian Serb from Banja Luka.<sup>1914</sup>

469. **Radomir Radinković** testified that detainees at the camp performed agricultural and maintenance work on the surrounding farm land, including cutting trees and preparing firewood, road maintenance, the construction of the local water delivery system from the lake and pumping station, and work connected with the local church.<sup>1915</sup> **Ewan Brown** testified that some of the detainees were expected to carry out work, including tasks of an apparent military nature.<sup>1916</sup> These tasks included cutting wood in order to supply firewood for troops, assisting with work carried out by the 1KK,

<sup>1904</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>1905</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1906</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.

<sup>1907</sup> P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.

<sup>1908</sup> P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.

<sup>1909</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.

<sup>1910</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.

<sup>1911</sup> P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brdanin* transcript, 10 October 2002), p. 10607.

<sup>1912</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

<sup>1913</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2.

<sup>1914</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>1915</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6.

<sup>1916</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.79.

and assisting in making firing positions for combat equipment used in defence of the camp.<sup>1917</sup> The Trial Chamber also received documentary evidence regarding the use of the detainees in carrying out these tasks. On 27 July 1992, as a result of bacteriological tests of water for the camp and surrounding area, the 1KK Command Chief of Staff requested that the Assistant Commander for Logistics of the corps engage detainees to work on the water supply system in the Manjača military training area.<sup>1918</sup> On 22 August 1992, General Momir Talić ordered the reconstruction of a Serbian Orthodox Church in the village of Šljivno, to be completed by 4 October 1992.<sup>1919</sup> The order specified that the workforce was to be provided by the 'collection centre' at Manjača.<sup>1920</sup> According to requests addressed to the 1KK Command dated 24 September 1992 and 1 October 1992, Chief of engineers, Colonel Lazar Kosanović, requested a total of 285 POWs from Manjača camp for work to be carried out in camouflage, fortification, and road construction and maintenance companies by the 1st Engineers Regiment.<sup>1921</sup> On 24 September 1992, Milutin Vukelić authorized the cutting of wood in Manjača military estates, and a maximum of 20 POWs were to be engaged in felling the trees.<sup>1922</sup> On 10 October 1992, Milutin Vukelić signed an authorisation to engage POWs from the Manjača camp to cut trees for the Banja Luka Military Post 7101.<sup>1923</sup>

470. The witnesses who were detained at the Manjača camp were brought there on or after 6 June 1992 and were held for a number of months, some until December 1992. The Trial Chamber has dealt with their detention in chapter 4.1.2 *Schedule C.1.2*. **Witness RM-018** testified that, during the period he was a detainee at the Manjača camp, from the second half of June 1992 to mid-December 1992, he was forced to work every day and that most other detainees were also forced to work.<sup>1924</sup> **Adil Draganović**

<sup>1917</sup> P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013), para. 2.79.

<sup>1918</sup> P232 (Request by 1KK Command to Assistant Commander for Logistics in the 1KK, 27 July 1992), p. 1.

<sup>1919</sup> P238 (Order by General Momir Talić on the construction of a Serbian Orthodox Church, 22 August 1992), p. 1. See also P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5263-5264, 5315.

<sup>1920</sup> P238 (Order by General Momir Talić on the construction of a Serbian Orthodox Church, 22 August 1992), pp. 1-2.

<sup>1921</sup> P3882 (1KK request to Manjača camp, 1 October 1992); P4054 (1KK request to Manjača camp, 24 September 1992).

<sup>1922</sup> P3881 (Authorization letter to cut wood, 24 September 1992).

<sup>1923</sup> D902 (Command authorization to cut trees, 10 October 1992).

<sup>1924</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 84, 95, 100. See also P3250 (Mirzet Karabeg, *Brdanin* transcript, 27-28 May 2002), p. 6188.

stated that the detainees were forced to work on the front lines, dig trenches, and carry wood.<sup>1925</sup> **Adem Seferović** stated that when he was detained at the camp from 6 June until 16 December 1992, he had to cut wood in the forest for one month while other detainees had to dig trenches and carry out agricultural work.<sup>1926</sup> **Enis Šabanović** confirmed that detainees were forced to carry out agricultural work, and also work on a hydroelectric power plant.<sup>1927</sup> **Witness RM-017** stated that the guards would come to look for ‘volunteers’ to cut wood. The witness drove a truck carting wood almost every day during his stay, except for some Sundays.<sup>1928</sup> **Witness RM-709** stated that detention conditions were brutal: detainees had to perform manual labour on the field and were beaten on the way there.<sup>1929</sup> **Šabanović, Atif Džafić, and Muhamed Filipović** all stated that detainees from the Manjača camp were also taken to carry out work on a nearby Orthodox church.<sup>1930</sup> **Bekir Delić** stated that Serb guards regularly selected detainees and ordered them to march to various work sites, escorted by VRS soldiers, to build an Orthodox church, to perform farming jobs, to dig canals for water, to fetch water, or to unload ammunition for the VRS army at the barracks located behind the camp.<sup>1931</sup>

471. **Witness RM-051** testified that detainees at the Manjača camp did carry out labour, but that it was voluntary; he explained that detainees preferred to be outside and that as a result, there were far more volunteers than were needed to perform the work.<sup>1932</sup> **Sakib Muhić** who was detained in the camp between 6 June and November 1992, also stated that many detainees preferred to carry out ‘forced labour’ because then they would be given something to eat.<sup>1933</sup> However, **Asim Egrlić** stated that detainees would be beaten if there were not enough volunteers to perform labour in the woods or in the fields outside of the camp and on one such occasion the witness’s collarbone was

<sup>1925</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>1926</sup> P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 5-7.

<sup>1927</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6530-6533; P3128 (Request by the 1KK Command for reconstruction of the water supply system, 5 August 1992); P3129 (Authorisation by the 1KK Command to use prisoners-of-war in Manjača camp for work duties, 22 September 1992); P3130 (Order by the First Krajina Corps Command to use prisoners-of-war in Manjača camp for work duties, 22 September 1992); P3131 (Order by the Commander of Manjača Camp, 5 November 1992).

<sup>1928</sup> P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.

<sup>1929</sup> P3437 (Witness RM-709, witness statement, 6 June 2000), p. 10.

<sup>1930</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6530-6533; P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, pp. 3-4; P3394 (Atif Džafić, witness statement, 28 September 2011), para. 111;

<sup>1931</sup> P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 8-9.

<sup>1932</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5305.

<sup>1933</sup> P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 6, 8, 10.

broken when he was hit with a wooden plank.<sup>1934</sup> **Ahmet Zulić** stated that detainees were guarded by armed ‘Serbs’ at the locations where they would work.<sup>1935</sup>

472. Based on the foregoing, the Trial Chamber finds that between 3 June and 18 December 1992,<sup>1936</sup> detainees at Manjača camp regularly worked on the front lines, dug trenches, worked on a Serbian Orthodox church in the village of Šljivno and a hydroelectric power plant, and carried out various forms of agricultural work. Although the Trial Chamber accepts that some detainees may have offered to carry out certain types of work, some did so to receive food, and some were beaten if there were not enough people offering to perform labour. Based on exhibits P3881 and P3882 and the circumstances of the labour (in this respect, the Trial Chamber also recalls its findings in chapter 4.1.2 *Schedule C.1.2* concerning the conditions of detention), the Trial Chamber finds that the guards at Manjača camp, VRS and SJB members as found in chapter 4.1.2 *Schedule C.1.2*, forced the detainees to perform the labour. In relation to the ethnicity of the detainees, the Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2*. The Trial Chamber will consider the Defence submission that the labour was in accordance with the Geneva Conventions in chapter 8. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

#### *4.1.6 Imposition and maintenance of restrictive and discriminatory measures*

473. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Banja Luka Municipality between 12 May 1992 and 30 November 1995.<sup>1937</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.<sup>1938</sup> It also received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;<sup>1939</sup> **Boško Amidžić** Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February

<sup>1934</sup> P3403 (Asim Egrić, *Brdanin* transcript, 10 October 2002), p. 10609.

<sup>1935</sup> P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 127.

<sup>1936</sup> The Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* that Manjača camp held detainees between 3 June and 18 December 1992.

<sup>1937</sup> Indictment, paras 47, 59(k).

<sup>1938</sup> Adjudicated Fact no. 451 and 494 is reviewed in chapter 4.1.7.

<sup>1939</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. Witness RM-016’s evidence is also reviewed in chapter 4.1.7.



1993;<sup>1940</sup> **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;<sup>1941</sup> **Milorad Sajić**, Secretary of the Secretariat of National Defence from April 1992 until 15 June 1992;<sup>1942</sup> **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992,<sup>1943</sup> and documentary evidence.<sup>1944</sup>

474. During the republican referendum on independence on 29 February and 1 March 1992, the SOS blockaded the municipality building in Banja Luka Town.<sup>1945</sup> On 3 April 1992, the SOS erected checkpoints around the town and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue several goals of the SOS, including the dismissal of Banja Luka Corps officers and public utility managers who voted ‘against Yugoslavia’.<sup>1946</sup> The SOS’s demands were adopted by the SDS. Upon the establishment of a municipal Serb crisis staff in the beginning of April 1992, Predrag Radić, president of the crisis staff and a member of the SDS Main Board, announced several measures, including: CSB employees had to pledge loyalty to the Bosnian-Serb Republic or lose their jobs; the presidency of the SFRY would be requested to reinforce the JNA Banja Luka Corps and dismiss or transfer JNA officers who had not voted ‘for Yugoslavia’; and the directors of several public enterprises who pursued ‘an anti-Serbian policy’ would be dismissed. To enforce compliance with these orders, mixed patrols of the police, the TO, and the JNA were to take over control of the roads from the SOS.<sup>1947</sup> Employers in Banja Luka were told to evict non-Serbs from employer-owned apartments in order to make space for families of fallen Serb soldiers. Those who attempted to protect non-Serbs in Banja Luka were reprimanded or even replaced.<sup>1948</sup>

475. **Witness RM-016** testified that Radoslav Brđanin’s speeches in mid-1992 which called on the Muslim population of Krajina to leave the area, supported the firing of non-Serbs.<sup>1949</sup> Non-Serbs who could not provide a certificate of membership in the VRS

<sup>1940</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), p. 1, paras 1-2; Boško Amidžić, T. 29502.

<sup>1941</sup> D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

<sup>1942</sup> D836 (Milorad Sajić, witness statement dated 24 November 2013), para. 14; Milorad Sajić, T. 29222.

<sup>1943</sup> P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

<sup>1944</sup> P289 is reviewed in chapter 4.10.6.

<sup>1945</sup> Adjudicated Facts I, no. 453.

<sup>1946</sup> Adjudicated Facts I, no. 454.

<sup>1947</sup> Adjudicated Facts I, no. 455.

<sup>1948</sup> Adjudicated Facts I, no. 457.

<sup>1949</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 32; Witness RM-016, T. 17386-17387.

were dismissed from their companies.<sup>1950</sup> Non-Serbs who lost their jobs or whose children had moved away were forced to move to smaller apartments or lose their apartments completely.<sup>1951</sup>

476. The Ključ Municipality Crisis Staff documented that on 20 May 1992, the ARK Crisis Staff had decided that a military curfew was in effect in the ARK region and no public events could take place.<sup>1952</sup> On 29 May 1992, the ARK Crisis Staff concluded that, in order to enter the Banja Luka airport building, males between the age of 18 and 60 had to be in possession of a pass issued by the SNO of Banja Luka Municipality which allowed them to leave the ARK. Enrolment in Krajina secondary schools and Banja Luka University was to be postponed until the beginning of August 1992.<sup>1953</sup> On 2 June 1992, the ARK Crisis Staff concluded that employees of the SNO who failed to summon people to general mobilisation were to be replaced immediately.<sup>1954</sup> **Milorad Sajić** testified that the ARK Crisis Staff issued decisions in 1992 amongst others, on 26 May and 22 June 1992 regarding the removal of Muslims and Croats from their positions in companies in Krajina, which were distributed to all publicly-owned enterprises, and that these replacements were mostly carried out. According to the witness, the ARK Crisis Staff could not punitively enforce these decisions, despite the fact that he acknowledged that the decision on the removal of non-Serbs from their positions in publicly-owned enterprises contained threats of punitive measures for non-compliance.<sup>1955</sup> The witness also testified that the Crisis Staff's decision that publicly-owned and other companies and institutions received, was implemented to a significant degree and that these replacements were generally carried out.<sup>1956</sup>

477. Based on the foregoing, the Trial Chamber finds that from 12 May 1992 and throughout the remainder of that year, in particular on 26 May and 22 June 1992, the ARK Crisis Staff issued decisions to remove Bosnian Muslims and Bosnian Croats from their positions in publicly-owned enterprises in Krajina. These removals were mostly carried out. Bosnian Muslims and Bosnian Croats who had lost their jobs were

<sup>1950</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), paras 32, 35; Witness RM-016, T. 17387.

<sup>1951</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 35; Witness RM-016, T. 17387.

<sup>1952</sup> D422 (Conclusion of ARK Crisis Staff, 20 May 1992), p. 1.

<sup>1953</sup> D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.

<sup>1954</sup> D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 4.

<sup>1955</sup> Milorad Sajić, T. 29221-29222; P6972 (Conclusions of the ARK Crisis Staff, 26 May 1992), p. 1.

<sup>1956</sup> Milorad Sajić, T. 29216, 29221.

also evicted from employer-owned apartments. The Trial Chamber will consider these incidents in relation to Count 3 in chapter 8 below.

478. The Trial Chamber further finds that although the freedom of movement in Banja Luka Municipality was restricted by checkpoints and curfews from 20 May 1992, and enrolment into the Krajina secondary schools and Banja Luka University was postponed until the beginning of August 1992, the evidence does not indicate that these measures were directed against non-Serbs alone. The Trial Chamber will therefore not further consider these incidents in relation to any count of the Indictment.

#### 4.1.7 Forcible transfer and deportation

479. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Banja Luka Municipality between 12 May 1992 and 30 November 1995.<sup>1957</sup> The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts – all targeting Bosnian Muslims and Bosnian Croats.<sup>1958</sup> Others were physically driven out.<sup>1959</sup> The Defence argued, *inter alia*, that departures from Banja Luka Municipality were voluntary, organized by civilian authorities over whom the VRS had no authority, and prompted by criminals taking advantage of ethnic tensions to commit robberies.<sup>1960</sup> Departures from Manjača camp were an exchange of legitimately detained POWs.<sup>1961</sup> There was no intent to permanently remove these detainees.<sup>1962</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It further received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;<sup>1963</sup> and **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war.<sup>1964</sup> The

<sup>1957</sup> Indictment, paras 47, 59(f), 67-69.

<sup>1958</sup> Indictment, para. 70.

<sup>1959</sup> Indictment, para. 70.

<sup>1960</sup> Defence Final Brief, paras 832-834.

<sup>1961</sup> Defence Final Brief, para. 900.

<sup>1962</sup> Defence Final Brief, para. 900.

<sup>1963</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>1964</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

Trial Chamber finds that this evidence is consistent with the Adjudicated Facts.<sup>1965</sup> The Trial Chamber also received evidence from **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;<sup>1966</sup> **Davor Kolenda**, a member of the HVO in Travnik who served as Minister for Refugees within the Travnik Government just before June 1993;<sup>1967</sup> **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February 1993;<sup>1968</sup> **Radomir Radinković**, a VRS 1KK intelligence and security officer at Manjača camp as of May 1992;<sup>1969</sup> **Witness RM-051**, a VRS security officer;<sup>1970</sup> **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;<sup>1971</sup> **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;<sup>1972</sup> **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994;<sup>1973</sup> **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;<sup>1974</sup> and **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;<sup>1975</sup> as well as documentary evidence<sup>1976</sup> in relation to this charge.

<sup>1965</sup> **Miloš Šolaja**: D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 31-32, 43-44; Miloš Šolaja, T.32757, 32775-32776, 32792. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 29-35; Witness RM-016, T. 17386-17387.

<sup>1966</sup> P3248 (Mirzet Karabeg, witness statement, 24-25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2. The evidence of Mirzet Karabeg is also reviewed in chapter 4.12.7.

<sup>1967</sup> D889 (Davor Kolenda, witness statement, 30 July 2014), para. 2; Davor Kolenda, T. 31001; P7092 (Davor Kolenda, statement to SIS Administration, 2 September 1993), p. 1.

<sup>1968</sup> D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

<sup>1969</sup> D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6. The evidence of Radomir Radinković is also reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1970</sup> P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. The evidence of Witness RM-051 is also reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>1971</sup> P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

<sup>1972</sup> P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.

<sup>1973</sup> P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is also reviewed in chapter 4.12.7.

<sup>1974</sup> P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2. The evidence of Enis Šabanović is reviewed in chapter 4.12.7.

<sup>1975</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1.

<sup>1976</sup> P3806, P3886, and P3887 are reviewed in chapter 4.1.2 *Schedule C.1.2*.

*Departures from Banja Luka Municipality*

480. Between 1 April 1992 and 31 December 1992, there were many incidents in Banja Luka of non-Serbs being forced to either sign over their property or exchange their property for property in Croatia. An agency was set up by the authorities of Banja Luka specifically to facilitate these exchanges.<sup>1977</sup> In Banja Luka, the SDS publicly announced that non-Serb-owned shops and businesses would be transferred to returning Bosnian-Serb soldiers as a reward.<sup>1978</sup> Bosnian-Serb families moved into apartments belonging to non-Serbs who had left Banja Luka.<sup>1979</sup> People were not permitted to leave Banja Luka with more than 300 DEM. They were also warned not to take their belongings with them. However, when leaving Banja Luka, non-Serbs tried to hide valuables, for example, in coats and in pots of cosmetics. Restrictions were enforced at checkpoints where people were stripped and searched.<sup>1980</sup>

481. Between May 1992 and February 1993, many Muslim and Croat civilians were leaving Banja Luka each month, out of fear and because they had lost their jobs and apartments.<sup>1981</sup> **Witness RM-016** specified that non-Serbs continued to leave the municipality until May 1993 and that they did so because of SDS's policies, as well as killings, bombings, the destruction of religious sites, and rapes.<sup>1982</sup> In 1992, Brđanin called upon the Muslim population to leave the Krajina.<sup>1983</sup> Civilian authorities undertook the above-mentioned actions to drive the Muslim and Croatian population out of Banja Luka.<sup>1984</sup> An agency for resettlements, known as 'Brđanin's agency' in reference to Radoslav Brđanin, managed all aspects of relocation of the population.<sup>1985</sup> **Miloš Šolaja** testified that the civilian authorities organized Muslims and Croats leaving Banja Luka and that the VRS did not participate in the process.<sup>1986</sup> On 11 May 1992, the ARK Crisis Staff issued an order confiscating the property of able-bodied men aged

<sup>1977</sup> Adjudicated Facts I, no. 448.

<sup>1978</sup> Adjudicated Facts I, no. 449.

<sup>1979</sup> Adjudicated Facts I, no. 450.

<sup>1980</sup> Adjudicated Facts I, no. 451.

<sup>1981</sup> Adjudicated Facts I, no. 494.

<sup>1982</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), paras 29-34; Witness RM-016, T. 17386-17387.

<sup>1983</sup> Witness RM-016, T. 17386; P3989 (Article published in the Ottawa Citizen on the situation in Banja Luka, 30 September 1992).

<sup>1984</sup> Witness RM-016, T. 17386-17387; P3714 (Regular combat report from the Command of the 1KK, 28 July 1992).

<sup>1985</sup> Adjudicated Facts I, no. 495.

<sup>1986</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 31-33; Miloš Šolaja, T. 32775-32776.

between 18 and 55 who had left the area and had not immediately returned. This specifically applied to non-Serbs who had fled the territory of the ARK.<sup>1987</sup>

482. The Ključ Municipality Crisis Staff documented that the ARK Crisis Staff had decided in a meeting held on 20 May 1992, that there was no reason for the population of any nationality to move out of the ARK territory, and this conclusion was to be broadcasted over the radio in the following days.<sup>1988</sup> On 29 May 1992, the ARK Crisis Staff was concerned that several thousand Muslims from Prijedor, Sanski Most, and Bosanski Novi wished to move to central Bosnia, of their own free will, whereas a great number of Serbs from central Bosnia, who wanted to move to the ARK, were prevented from doing so by the local authorities. Due to this, the ARK Crisis Staff adopted a 'family for a family' principle, according to which all Muslims and Croats, who so wished, were allowed to move out of the area of the ARK on the condition that Serbs, who lived outside 'Serbian autonomous districts and regions', were allowed to move into the ARK and the Bosnian-Serb Republic. The ARK Crisis Staff decided that it was resolutely opposed and would prevent, with all means available under the law, all attempts to move the population out by force or any form of pressure.<sup>1989</sup> The ARK Crisis Staff invited the SDA and the HDZ to become actively involved in facilitating the resettlement of the population.<sup>1990</sup>

483. **Charles Kirudja** stated that on 1 June 1992, the mayor of Banja Luka informed him through Paolo Raffone, a UN civil affairs officer, that 15,000 Muslims from Bosanski Novi, Prijedor, Ključ, Dubica, Sanski Most, and Banja Luka had left their homes and that an additional 15,000 Muslims could soon follow.<sup>1991</sup>

484. In July and August 1992, crowds were seen queuing at the offices of Brđanin's agency, and busloads of people left the municipality for Croatia and other places almost daily.<sup>1992</sup> According to a 6 September 1992 regular combat report from the 1KK Command to the VRS Main Staff signed by Zdravko Đurić, there had been an exodus of

<sup>1987</sup> Adjudicated Facts I, no. 456.

<sup>1988</sup> D422 (Conclusion of ARK Crisis Staff, 20 May 1992), p. 1.

<sup>1989</sup> D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.

<sup>1990</sup> D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.

<sup>1991</sup> P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

<sup>1992</sup> Adjudicated Facts I, no. 495.

the majority of the Croatian, and part of the Muslim, population of Banja Luka and other towns.<sup>1993</sup>

485. **Davor Kolenda** testified that according to information he received as Minister for Refugees within the Travnik Government, 17,600 Bosnian Muslims from the Krajina area, who were being expelled on a daily basis from this area by the VRS, registered in Travnik Municipality by early June 1993.<sup>1994</sup>

486. According to an UNPROFOR report of 28 August 1994, the Bosnian Serbs were continuing their practice of expelling non-Serbs: on 26 August 1994, a reported 480 Muslims, most of whom had all of their money and belongings taken away, arrived in Tesanj and Tuzla from the Banja Luka area.<sup>1995</sup> An UNPROFOR report of 11 September 1994 noted that for several weeks prior, large numbers of non-Serbs had been 'expelled' from Bosnian-Serb controlled territory and that on 3 September 1994, about 500 non-Serbs crossed from the areas of Banja Luka and Sanski Most into Turbe.<sup>1996</sup> On 8 September 1994, Anthony Banbury reported that when confronted with the expulsions from Banja Luka, Karadžić claimed that those leaving had done so of their own volition.<sup>1997</sup>

#### *Departures from Manjača camp*

487. The Trial Chamber received evidence about detainees being exchanged and transferred from Manjača camp in Banja Luka Municipality from August 1992 onwards.<sup>1998</sup> On 20 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that on 18 August 1992, six detainees were taken from the camp and exchanged on Mt Vlasić pursuant to the order of Captain Milutin Grujičić, President of the Exchange Commission, and pursuant to the approval of Major Gajić from the VRS Intelligence and Security Organ.<sup>1999</sup> On 24 August 1992, the Manjača Camp Operative

<sup>1993</sup> P3821 (Regular Combat Report from 1KK Command, 6 September 1992), pp. 1-3.

<sup>1994</sup> Davor Kolenda, T. 31001, 31022.

<sup>1995</sup> P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), p. 1, para. 9.

<sup>1996</sup> P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), p.1, para. 5.

<sup>1997</sup> P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 6.

<sup>1998</sup> The Trial Chamber reviewed other evidence concerning Manjača camp in chapter 4.1.2 *Schedule C.I.2.*

<sup>1999</sup> P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

Group reported to the 1KK Command that on the previous day, 41 detainees were brought from Manjača camp to the exchange at the Hotel 'Jajce'.<sup>2000</sup> The Manjača Camp Operative Group reported that pursuant to a telegram from the VRS Main Staff it had used all available forces on 24 August 1992 to work on the consolidation of the POW exchange lists. It also reported that it had succeeded in completing this task and had delivered the lists to the 1KK Command that day.<sup>2001</sup>

488. **Muhamed Filipović** stated that on 15 September 1992, he and other detainees were released and taken from Manjača camp to Banja Luka airport, where they met detainees from Trnopolje before being transported to London.<sup>2002</sup> In October 1992, roughly 158 Bosnian-Muslim and Bosnian-Croat detainees from Manjača camp were exchanged at Turbe, near Travnik.<sup>2003</sup>

489. On 14 November 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had decided to release 700 detainees from Manjača camp to the ICRC for the purpose of their transfer to a third country.<sup>2004</sup> The report states that there was a thorough investigation of the detainees' files, including those detainees considered the most extreme individuals by the Sanski Most SJB, but there was not a single criminal report against any of the 700 detainees and, moreover, the charges against them were not supported by evidence and there was no basis for the team to keep them in detention or bring them to a military court.<sup>2005</sup> The Manjača Camp Operative Group allowed them to leave with the ICRC.<sup>2006</sup> **Charles McLeod** stated that in November 1992, he went to Manjača camp to assist the ICRC as they transferred released detainees to Bosanska Gradiška.<sup>2007</sup> The detainees who had been released were standing outside in the freezing cold in the same clothes they had been wearing in August.<sup>2008</sup> The detainees addressed the commander of the camp saying how grateful they were for the excellent treatment

<sup>2000</sup> P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), pp. 1-2.

<sup>2001</sup> P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), p. 2.

<sup>2002</sup> P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 5; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9625-9626.

<sup>2003</sup> Adjudicated Facts I, no. 492.

<sup>2004</sup> Witness RM-051, T. 2875-2877; P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), pp. 1-2.

<sup>2005</sup> Witness RM-051, T. 2876-2877; P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), p. 1.

<sup>2006</sup> P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), p. 2.

<sup>2007</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7334-7335.

<sup>2008</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7334-7335.



they had received at the camp.<sup>2009</sup> The ICRC then brought them to Karlovac, after which they were transported to a third country or returned to their homes in Bosnia-Herzegovina.<sup>2010</sup> **Witness RM-051** clarified that following their release to the ICRC or Merhamet, only minors, the elderly, and the sick could return to their homes in Bosnia-Herzegovina; able-bodied men, regardless of whether they had participated in combat, could not return to their homes and had to leave for third countries.<sup>2011</sup> The detainees were forced to sign statements agreeing to the same.<sup>2012</sup> Detainees from Manjača camp were transported to Karlovac both prior to and following the closure of the camp in December 1992.<sup>2013</sup>

490. On 11 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had prepared lists of 151 Croat detainees and 132 Muslim detainees.<sup>2014</sup> On the same day, 11 new detainees from Kotor Varoš were brought to the camp by Major Mirko Kosić, escorted by the ICRC.<sup>2015</sup> On this occasion the ICRC delegates handed over a list on the basis of which three groups of approximately 1,000 detainees each were to be released: one on Monday 14 December 1992, one on Wednesday and one on Friday.<sup>2016</sup> In the following days, the ICRC would deliver the coordinated lists of 1,000 detainees who were to be released.<sup>2017</sup> The Operative Group started selecting 250 'extremist Muslims' who could not 'go through the ICRC'.<sup>2018</sup>

491. On 13 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had selected detainees for their transfer from Manjača camp, and that at 7 a.m., camp supervisor Sergeant Kovačević took the detainees to the tarmac for the line-up.<sup>2019</sup> At noon, a convoy composed of eleven buses, including two small ones, left the camp.<sup>2020</sup> One hundred and forty-nine Croat and 383 Muslim detainees were taken

<sup>2009</sup> P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7335.

<sup>2010</sup> Witness RM-051, T. 2936-2937.

<sup>2011</sup> Witness RM-051, T. 2905-2907.

<sup>2012</sup> Witness RM-051, T. 2933-2937.

<sup>2013</sup> Adjudicated Facts I, no. 493.

<sup>2014</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.

<sup>2015</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1-2.

<sup>2016</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 4-5.

<sup>2017</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.

<sup>2018</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.

<sup>2019</sup> P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.

<sup>2020</sup> P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 2.

from Manjača camp on that day.<sup>2021</sup> On the same day, a group of journalists visited the camp unexpectedly and an ICRC delegation brought a list of 1,000 detainees that had to be coordinated with the records in order to verify whether all the requested detainees existed.<sup>2022</sup> Once the Operations Group, together with the security commander and the camp commander, had completed this task, they could have a new list of 1,000 detainees ready for the next day, 14 December, when the first transport was to take place.<sup>2023</sup> The Operative Group expressed serious doubts that the preparations could be finalised in time. The Manjača camp commander attempted to postpone the first transport of 1,000 'POWs' planned to start at 7 a.m. on the next day, but did not succeed.<sup>2024</sup>

492. On 14 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that between 9 a.m. and 12:30 p.m. that day, after all departing detainees had signed a statement that they wished to go with the ICRC, 1,008 detainees left Manjača camp in 21 buses escorted by six ICRC jeeps.<sup>2025</sup> At 4:30 p.m., the security department of Manjača camp received information that the convoy had crossed the bridge in Gradiška. The camp command then issued an order to empty two pavilions of the 'second camp' and to accommodate the remaining 1,413 (mainly Muslim) detainees in the 'first camp'.<sup>2026</sup>

493. On 16 December 1992, the 1KK Command reported to the VRS Main Staff that 1,001 detainees had been released from Manjača camp and escorted out of the territory of the Bosnian-Serb Republic.<sup>2027</sup> On 18 December 1992, 418 or 419 detainees were released.<sup>2028</sup>

494. Manjača camp was closed in December 1992.<sup>2029</sup> **Miloš Šolaja** testified that he was present when the camp was closed, pursuant to an agreement by Karadžić, Boban,

<sup>2021</sup> P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 3.

<sup>2022</sup> P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.

<sup>2023</sup> P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 1, 3-4.

<sup>2024</sup> P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.

<sup>2025</sup> P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), p. 1.

<sup>2026</sup> P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.

<sup>2027</sup> P3824 (1KK combat report to VRS Main Staff, 16 December 1992), p. 1.

<sup>2028</sup> P3886 (1KK Command combat report), p. 1; P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).

<sup>2029</sup> Adjudicated Facts I, no. 493.

and Izetbegović.<sup>2030</sup> According to a letter from Karadžić to Daniel Schiffer, a condition of the closure of the Manjača camp was that the international community and the ICRC would accept, and then convey to third countries, those detainees who were released.<sup>2031</sup>

**Radomir Radinković** testified that military aged, able-bodied detainees were sent to third countries, regardless of whether they had a criminal record, to prevent them from joining the army and fighting ‘on the other side’.<sup>2032</sup> **Witness RM-051** testified that, pursuant to a decision by Karadžić, all detainees from Manjača camp were sent to third countries together, as a group.<sup>2033</sup>

*The Trial Chamber’s findings*

495. Concerning the Defence’s argument that the departures from Banja Luka Municipality were organized by civilian authorities over whom the VRS had no authority, the Trial Chamber will consider the alleged connection between the VRS and civilian authorities, including the ARK Crisis Staff, in chapter 9.2.9. Further, in light of the Trial Chamber’s findings below, it is unnecessary to address the Defence’s arguments on the alleged transfers from Manjača camp.

496. Based on the above, the Trial Chamber finds that between 12 May 1992 and May 1993, many Bosnian-Muslim and Bosnian-Croat civilians left Banja Luka Municipality. During July and August 1992, busloads left the municipality and went to Croatia as well as to other destinations. The majority of the Croat and part of the Muslim population in Banja Luka Municipality had left by 6 September 1992.

497. The Trial Chamber finds that people left the municipality out of fear. These departures were exacerbated by the conduct of the civilian authorities, including members of the ARK Crisis Staff, who facilitated the departure of Bosnian Muslims and Bosnian Croats from Banja Luka Municipality in 1992. Specifically, in 1992 Radoslav Brđanin, President of the ARK Crisis Staff, called upon Bosnian Muslims to leave the Krajina. In this respect, on 11 May 1992, the ARK Crisis Staff issued an order to confiscate the property of non-Serb men who had fled ARK territory and who were able-bodied and between 18 and 55 years old. On 20 May 1992, the ARK Crisis Staff

<sup>2030</sup> D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 43-44; Miloš Šolaja, T. 32757.

<sup>2031</sup> Miloš Šolaja, T. 32757-32758, 32785; P7193 (Letter addressed to Daniel Schiffer signed by Radovan Karadžić, 4 December 1992).

<sup>2032</sup> Radomir Radinković, T. 31794.

concluded that there was no reason for anyone to move out of the ARK territory and decided to broadcast this conclusion on the radio over the following days. At a meeting of the ARK Crisis Staff held on 29 May 1992, the ARK Crisis Staff decided that it would permit Muslims and Croats to leave ARK territory on the condition that Serbs were allowed to move into the ARK and the Bosnian-Serb Republic. It also decided to oppose and prevent all attempts to pressure or force the population to move. During July and August 1992, the civilian authorities, including a civilian agency named after Brđanin, organized the departures of those leaving Banja Luka Municipality and managed all aspects of their relocation. The Trial Chamber also recalls its findings in chapters 4.1.1, 4.1.2, 4.1.3, and 4.1.6 in respect of the conditions and the context in which civilians left the municipality.

498. The Trial Chamber notes that the policies of the civilian authorities, including the ARK Crisis Staff, referred to non-Serbs. Considering that the victims above included the majority of the Bosnian-Croat and part of the Bosnian-Muslim population, the Trial Chamber finds that civilian authorities, including the ARK Crisis Staff, predominantly targeted Bosnian Muslims and Bosnian Croats by applying these policies in Banja Luka Municipality.

499. The Trial Chamber further finds that on 26 August 1994, Bosnian Serbs organised the departure of 480 Bosnian Muslims from Banja Luka Municipality to Tesanj and Tuzla. On 3 September 1994, Bosnian Serbs organised the departure of 500 non-Serbs from Banja Luka Municipality, who arrived in Turbe. Some of the non-Serbs were from Banja Luka. In light of its findings above, the Trial Chamber finds that the non-Serbs from Banja Luka were predominantly Bosnian Muslims and Bosnian Croats.

500. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

501. In relation to Davor Kolenda's evidence that 17,600 Bosnian Muslims, allegedly expelled from the Krajina area by the VRS, had registered in Travnik Municipality by early June 1993, the Trial Chamber notes that the witness did not identify the municipalities in the Krajina from which these Bosnian Muslims originated. As there are municipalities in the Krajina that are outside the scope of the Indictment, some or all of these 17,600 Bosnian Muslims may have originated from such municipalities, in

<sup>2033</sup> Witness RM-051, T. 2875, 2900.

which case the allegations concerning their forcible transfer or deportation would fall outside the scope of the Indictment. In the absence of any further evidence specifying from which part of the Krajina these Bosnian Muslims originated, the Trial Chamber will not further consider this incident in relation to any counts of the Indictment.

502. Turning to the alleged transfers from Manjača camp, the Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* in relation to the composition of the detainees at Manjača camp, specifically that Manjača camp also held detainees from municipalities outside the scope of the Indictment. Accordingly, the Trial Chamber will only further consider these alleged transfers where the evidence indicates that at least some of the transferred detainees originated from municipalities within the scope of the Indictment, namely in chapters 4.6.7, 4.10.7, and 4.12.7.<sup>2034</sup> In the absence of any further evidence specifying from where the other transferred detainees originated, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

<sup>2034</sup> These detainees are Muhamed Filipović, who originated from Ključ Municipality; Witness RM-017 and Witness RM-054, who originated from Prijedor Municipality; and Adil Draganović, Rajif Begić, Sakib Muhić, Mirzet Karabeg, and Enis Šabanović, who originated from Sanski Most Municipality.

## 4.2 Bijeljina Municipality

### 4.2.1 Murder

#### *Schedule B.2.1*

503. According to the Indictment, the Accused is responsible for the killing of at least six men in the Batković camp in Bijeljina Municipality between June 1992 and June 1995.<sup>2035</sup> The Trial Chamber took judicial notice of Adjudicated Fact 516 in relation to this incident. It also received evidence from **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;<sup>2036</sup> **Ibro Osmanović**, Bosnian Muslim from Vlasenica;<sup>2037</sup> **Tahir Ferhatbegović**, a Bosnian Muslim from Papraća in Šekovići Municipality;<sup>2038</sup> **Elvir Pašić**, a Bosnian Muslim from Rogatica;<sup>2039</sup> **Witness RM-513**, a Bosnian Serb from Bijeljina;<sup>2040</sup> and **Ewa Tabeau**, a demographer and statistician;<sup>2041</sup> as well as documentary evidence. Part of the evidence of the witnesses who were detained in Batković camp has been reviewed in chapter 4.2.2 *Schedule C.2.1*.

504. According to the Adjudicated Facts, three detainees were beaten to death while one detainee was shot dead at Batković camp.<sup>2042</sup> A number of witnesses provided further details with regard to these killings and evidence with regard to additional killings that occurred in the camp.

505. **Witness RM-088** testified that the first man he saw killed at Batković camp was Zulfo Hadžiomerović, who arrived at the camp on 30 June 1992 from Vlasenica and had already been beaten by the time of his arrival.<sup>2043</sup> One of the policemen who was with Mirović, the commander of the police force in Vlasenica, told the detainees that Hadžiomerović had been an *Ustaša* during the Second World War.<sup>2044</sup> Hadžiomerović had been in prison in Germany during the Second World War.<sup>2045</sup> He had a tattoo under

<sup>2035</sup> Indictment, paras 39(a)(ii), 51-52, 59(a)(ii), 62(b), Schedule B.2.1.

<sup>2036</sup> P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

<sup>2037</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.

<sup>2038</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2.

<sup>2039</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

<sup>2040</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

<sup>2041</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>2042</sup> Adjudicated Facts I, no. 516.

<sup>2043</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74; Witness RM-088, T. 5398-99.

<sup>2044</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.

<sup>2045</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.

his arm in the shape of a 'U', which Mirović's policemen showed to the detainees in the hangar, which is why the Serbs thought Hadžimerović was an *Ustaša*.<sup>2046</sup> The witness saw Mirović's policemen and Velibor Stojanović's guards beat Hadžimerović while Mirović and Stojanović watched.<sup>2047</sup> Stojanović then told the guards and policemen to take Hadžimerović outside, while the detainees remained inside the hangar, after which the witness heard screaming.<sup>2048</sup> Hadžimerović was explaining that he was not an *Ustaša*.<sup>2049</sup> Stojanović's guards then brought him back into the hangar, and they were followed by Stojanović.<sup>2050</sup> After the 70-year-old Hadžimerović had died from the beating and kicking, the guards ordered **Ibro Osmanović** together with five other detainees to take the body outside where it was loaded onto a military truck.<sup>2051</sup> Two men wearing JNA uniforms with a captain's rank and a medical doctor's insignia examined the body, which was covered with black bruises, and said that he died of natural causes.<sup>2052</sup> Hadžimerović's body was taken away by the truck at about 10:30 a.m. on the following day, 1 July 1992.<sup>2053</sup> **Osmanović** testified that this killing took place between 2 and 5 July 1992, and specified that it was Gligor and 'Major', joined by Veselin Nikolić and some policemen from Zenica, who kicked Hadžimerović and beat him with police batons and guns until he died.<sup>2054</sup> **Witness RM-088** did not type a report to the ICRC about this incident.<sup>2055</sup> However, during one of the ICRC visits, possibly in September 1992, deputy commander Tukodi, who was drunk, gave the wrong list of detainees to the ICRC with Hadžimerović's name on it.<sup>2056</sup> After the ICRC contacted the camp and asked them where Hadžimerović was, Tukodi told **Witness RM-088** to add Hadžimerović's name to a list of people who had already been released.<sup>2057</sup>

<sup>2046</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74. *See also* P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 56.

<sup>2047</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 66, 74.

<sup>2048</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.

<sup>2049</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.

<sup>2050</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 74-75.

<sup>2051</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 56-58; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.

<sup>2052</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 58; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.

<sup>2053</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 75.

<sup>2054</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 56-57; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.

<sup>2055</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 75.

<sup>2056</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 76.

<sup>2057</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 76.

506. **Witness RM-088** also provided evidence about the killing of detainees in August 1992. Sometime in the beginning of the month, five men from Bijeljina, three of whom were Professor Ferid Zečević, Husein Čurtić (also known as Apaka), and Ejub Smajić, were brought to the camp at night.<sup>2058</sup> The following morning, the witness observed Stojanović, his guards and Mišić take the same five men from the hangar. The witness heard the men being beaten and interrogated, after which they walked back into the hangar looking badly beaten. That same night, the witness saw Veselin Nikolić come into the hangar to take out the same five men. Although Nikolić was wearing a white mask over his face the witness recognized him by the sound of his voice, stature, and the way he walked. Half an hour later, Smajić walked into the hangar covered with blood. Zečević, who had difficulty breathing, was making gurgling sounds and appeared to be covered with bruises, was carried in. Čurtić sounded like he was being beaten on the way in.<sup>2059</sup> The following night while Stojanović and his guards were on duty, Nikolić singled out Zečević, Čurtić, and Smajić and took them out of the hangar.<sup>2060</sup> **Elvir Pašić** testified that Veljo with a group of seven or eight guards, including Gligor, Veselin, Zoka, Major, and Tojić, as well as two Muslim detainees known as Pike from Brezovo Polje and Špajzer from Vlasenica, beat a detainee from Bijeljina who was approximately 35 years old and was known to the other detainees as ‘professor’, for 30 to 45 minutes using rifle butts and wooden and metal sticks.<sup>2061</sup> Pašić observed the beating through a window from a distance of five to ten metres.<sup>2062</sup> **Witness RM-088** heard screams and, when the three men returned to the hangar, the witness saw Smajić covered with blood especially around his head with his clothes ripped and his scalp cut.<sup>2063</sup> Zečević and Čurtić, whose names the witness never saw on any registers, had to be dragged into the hangar by other detainees and died a few hours later.<sup>2064</sup> In the morning, four prisoners were ordered to remove the ‘professor’, who was severely injured, from the camp and subsequently reported that he was dead.<sup>2065</sup> Although Zečević was beaten to death, Witness RM-088 had to type in the report that he died as a

<sup>2058</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 77, 93.

<sup>2059</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 77.

<sup>2060</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.

<sup>2061</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 36, 39, 41-43; Elvir Pašić, T. 4498-4500.

<sup>2062</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 42.

<sup>2063</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.

<sup>2064</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.

<sup>2065</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 42.



result of a fall.<sup>2066</sup> **Witness RM-513** provided corroborative evidence on the killing of Ferid Zečević, without adding any further details.<sup>2067</sup> **Osmanović** testified that at some point he saw a body of a person who other detainees referred to as Ejub Smajić.<sup>2068</sup>

507. **Witness RM-088** testified that also at the beginning of August 1992, another group of men, including Kabil Bilalić, a man (a.k.a. Fleka), and a young former JNA soldier from Zelinja, was brought to the camp.<sup>2069</sup> During the day, the witness heard screaming and yelling from outside the hangar by more than one person after which he went out in front of the hangar and entered the fenced area connected to the hangar.<sup>2070</sup> He heard a voice tell Džemal Zahirović, a.k.a. Špajzer, 'Now they are yours' and he saw the three men near the water tap inside the fence looking as though they had been beaten.<sup>2071</sup> The witness saw Zahirović hit the former JNA soldier with a large rock and then with a metal chair. A guard yelled at Zahirović, 'Stop beating the soldier; you will kill him' but Zahirović did not stop the beating until the soldier fell to the ground. Zahirović then pushed Bilalić to the ground and started hitting him in the back of the head with another rock after which Bilalić could no longer walk. The witness went back inside the hangar to register the men and when he returned about one hour later, he saw the dead body of the former JNA soldier. The soldier had never been registered with ICRC so the witness did not type a report about him.<sup>2072</sup>

508. **Witness RM-088** also testified about an incident involving a detainee by the name of Edhem Čudić who had epilepsy and complained to Doctor Željko about it several times.<sup>2073</sup> Željko did not give him any medication.<sup>2074</sup> The witness was told by a detainee who was a guard that Čudić was giving him a difficult time and a guard threatened the other detainees by saying, 'If you don't keep him calm and inside the hangar, we will shoot him.'<sup>2075</sup> The following morning the witness saw Čudić leave the hangar and walk toward the command offices located in the other hangar and about a minute later he heard screaming and yelling as if someone were panicking but he could

<sup>2066</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 93.

<sup>2067</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), paras 69, 71; Witness RM-513, T. 9399.

<sup>2068</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 60, 62; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2764-2766, 2822-2829, 2846-2851.

<sup>2069</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.

<sup>2070</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.

<sup>2071</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 69, 79.

<sup>2072</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.

<sup>2073</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 80; Witness RM-088, T. 5381.

<sup>2074</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 80; Witness RM-088, T. 5382.

<sup>2075</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 80.

not identify the voice of the person who was screaming due to the noise of buses in the vicinity.<sup>2076</sup> The witness heard a short burst of automatic gunfire comprising between three and five bullets, following which the guards pushed all detainees into the hangar.<sup>2077</sup> **Elvir Pašić** also testified that one of the detainees had experienced an anxiety attack and, in response, was shot in front of him by one of the ‘soldiers’.<sup>2078</sup> Military police then came to the hangar to investigate and conducted interviews with witnesses, including detainees.<sup>2079</sup> **Witness RM-088** was in the same room as the police when they interviewed the witnesses and he heard a guard by the name of Branislav Jović admit to shooting Čudić because Čudić had supposedly attacked one of the guards and tried to grab the guard’s weapon.<sup>2080</sup> The witness believed that Jović said that the guard was able to get free from the struggle with Čudić, and that Jović then shot Čudić in his legs and chest.<sup>2081</sup> **Witness RM-513** testified that no one was ever charged or punished for this killing.<sup>2082</sup>

509. **Elvir Pašić** and **Tahir Ferhatbegović** gave evidence about some additional killings in Batković camp. According to **Pašić**, on one occasion, guards Gligor and Veselin allowed drunken front line soldiers into the camp.<sup>2083</sup> The soldiers entered the prisoners’ tent, randomly kicking and beating them.<sup>2084</sup> The witness observed that the soldiers, together with Gligor and Veselin, approached two detainees from Rogatica, Mehmed Hodžić and Hamdo, who were about 65 years old, and started to beat them severely stating that they could have been *Ustaša* fighters during the Second World War.<sup>2085</sup> The two men died as a result of their injuries.<sup>2086</sup> **Ferhatbegović** who was detained in the Batković camp between 27 June 1992 and 21 July 1993, stated that in July of 1992, he saw a guard with a mask over his face call out a jeweller from Bijeljina

<sup>2076</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.

<sup>2077</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.

<sup>2078</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 46.

<sup>2079</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.

<sup>2080</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 82; Witness RM-088, T. 5382-5383.

<sup>2081</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 82; Witness RM-088, T. 5382, 5385.

<sup>2082</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 71; Witness RM-513, T. 9252.

<sup>2083</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45.

<sup>2084</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502.

<sup>2085</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502-4503.

<sup>2086</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502-4503.

in the middle of the night.<sup>2087</sup> The man returned badly beaten and was unconscious for two days before he died.<sup>2088</sup>

510. **Witness RM-088** testified about a number of detainees killed while working outside Batković camp. In particular, the witness heard from another detainee that Ahmet Pašić was killed by shrapnel while cutting wood near the front line of Lopare. The witness further heard from another detainee that a sniper shot and killed Džemal Memić while digging trenches.<sup>2089</sup> Another detainee, who was an eye witness to the incident, told the witness that around the end of 1992 or beginning of 1993, soldiers from the Krajina Corps, who were coming back from Trnovo, entered the *Žitopromet* company in Bijeljina and stated that they were looking for ‘*balijas*’ or ‘*Mujahedin*’.<sup>2090</sup> The soldiers took out two detainees who worked there and cut their throats.<sup>2091</sup> The eye witness saw the soldiers decapitate these men and play football with their heads, following which they placed their heads on stakes.<sup>2092</sup> The administration of the camp told the witness to first type a report for the ICRC stating that these dead men had been exchanged, not killed, which the witness then did.<sup>2093</sup> When details about the incident came to the attention of the ICRC, the witness was asked to inform the ICRC that these detainees had been killed.<sup>2094</sup> The command of the camp then officially confirmed that the detainees had been killed.<sup>2095</sup>

511. **Witness RM-513** testified that people from Banja Luka and Krajina perpetrated killings at Vanjekov Mlin, a part of the *Žitopromet* company used as a prison and placed under the authority of the military police.<sup>2096</sup> In particular, they decapitated two of their victims.<sup>2097</sup> Savo Bojanović investigated these murders and reported them to the military prosecution, but the prosecution did not act upon this.<sup>2098</sup>

<sup>2087</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 8-9.

<sup>2088</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2089</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 83.

<sup>2090</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5386-5387.

<sup>2091</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5386-5387.

<sup>2092</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355.

<sup>2093</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5359, 5387-5388, 5402-5403.

<sup>2094</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5388, 5402-5403.

<sup>2095</sup> Witness RM-088, T. 5403.

<sup>2096</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 74.

<sup>2097</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 74.

<sup>2098</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 75.

512. According to **Ewa Tabeau** and forensic evidence, the remains of two bodies were exhumed from Tombak locality, Mahala in Bijeljina Municipality, one in 2005 and the other in 2010, and subsequently identified.<sup>2099</sup> Four of the scheduled victims disappeared in the Batković camp between June 1992 and October 1992; one victim died on 28 July 1992 in Bijeljina; one victim disappeared in Bijeljina on 8 March 1992, one disappeared in August 1992 in Rogatica; and one died on 9 April 1992 in Divič in the Zvornik Municipality.<sup>2100</sup> According to Tabeau, two of the victims were over the age of 60 in 1992.<sup>2101</sup>

513. Based on the foregoing, the Trial Chamber finds that sometime between 30 June and 5 July 1992, policemen under Mirović, the Commander of the Police Force in Vlasenica, and guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, under Velibor Stojanović, kicked and beat Zulfo Hadžiomerović, an approximately 70-year-old detainee, with police batons and guns. He was accused of being an *Ustaša*. Hadžiomerović died as a result of these beatings. Based on the fact that the detainees at Batković camp were predominantly Bosnian-Muslims and Bosnian-Croats and that Hadžiomerović was accused of being an *Ustaša*, the Trial Chamber finds that he was a Bosnian Croat. The Trial Chamber will further consider this incident in chapter 8, below.

514. The Trial Chamber also finds that at the beginning of August 1992, Mišić, a guard commander, and Stojanović and his guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, beat Husein Čurtić and Professor Ferid Zečević, two detainees from Bijeljina, several times after they were taken from the hangars. Rifle butts and

<sup>2099</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 317; P4699 (Identification report for Ferid Zečević, 23 February 2007), pp. 1, 4; P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1.

<sup>2100</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 316-317; P4699 (Identification report for Ferid Zečević, 23 February 2007), p. 1; P5997 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edhem Čudić, 4 April 2013); P5998 (Missing Persons certificate for Husein Čurtić, 4 April 2013); P5999 (Missing Persons certificate for Zulfo Hadžiomerović, 4 April 2013), p. 1; P6000 (Missing Persons certificate for Mehmed Hodžić, 4 April 2013); P6001 (Missing Persons certificate for Hamdo Karadarević, 4 April 2013); P6002 (Missing Persons certificate for Ahmo Pašić, 4 April 2013); P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1. The following persons were identified as missing from Bijeljina: Edhem Čudić, Husein Čurtić, Zulfo Hadžiomerović, Mehmed Hodžić, Ferid Zečević and Džemil Memić.

<sup>2101</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 316-317; P4699 (Identification report for Ferid Zečević, 23 February 2007), p. 1; P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1.

sticks were used in the beating and the two detainees died a few hours after the beatings. The Trial Chamber's finding on the ethnicity of these two detainees is discussed below.

515. The Trial Chamber further finds that sometime between July 1992 and July 1993, two guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, and drunken front line soldiers who were let into the camp by the former two, beat Mehmed Hodžić, an 86-year-old detainee, and another detainee called 'Hamdo', who was about 65 years old. The soldiers and guards stated that these detainees could have been 'Ustaša' fighters. The two detainees died as a result of their injuries. Based on the fact that the detainees at Batković camp were predominantly Bosnian-Muslims and Bosnian-Croats and that the detainees were accused of being *Ustaša* fighters, the Trial Chamber finds that they were Bosnian Croats. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

516. The Trial Chamber finds that, around the end of 1992 or the beginning of 1993, soldiers from the Krajina Corps took out two Bosnian-Muslim detainees from Batković camp working at the Žitopromet company in Bijeljina and killed them by cutting their throats. Before they were killed they were referred to as '*balijas*' or '*Mujahedin*'. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment.

517. The Trial Chamber also finds that in July 1992, a detainee from Bijeljina, who was called out by a guard with a mask, returned to his hangar badly beaten and died two days later. The Trial Chamber concludes from this that the guard, a VRS member as found in chapter 4.2.2 *Schedule C.2.1*, beat the detainee so severely that he died as a result. Also in August 1992, Džemal Zahirović, a.k.a. Špajzer, a Muslim detainee severely beat a former JNA soldier with a large rock and a metal chair. This man died shortly afterwards. In late August 1992, guard Branislav Jović shot Edhem Čudić, a detainee, who allegedly had attacked another guard. Shortly after the guard was freed from the detainee, the detainee was shot by Jović in the chest and legs and died as a result. This detainee had suffered from epilepsy and had asked the camp doctor for medication several times without receiving it. The Trial Chamber has not received evidence establishing the ethnicity of the victims discussed in this paragraph, or for Husein Čurtić and Ferid Zečević discussed above. Considering the lack of evidence concerning ethnicity, and the fact that the detainees at Batković camp did not consist exclusively of Bosnian Muslims and Bosnian Croats, the Trial Chamber cannot

determine beyond reasonable doubt the ethnicity of these victims. For this reason, the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

518. The Trial Chamber also finds that Ejub Smajić, another detainee, was beaten in the beginning of August 1992. However, the Trial Chamber does not conclude that this detainee died as a result of the beatings, since the only evidence the Chamber received on his possible death is a witness testifying that he saw a body which was referred to by other prisoners as the body of this detainee. For these reasons, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

519. The Trial Chamber further finds that two men detained at the Batković camp were killed, respectively, by shrapnel while working near the front line, and by a sniper while digging trenches. The Trial Chamber has not received evidence on the perpetrators or their affiliation. Thus, the Trial Chamber cannot identify the perpetrators of the killings and will not further consider these incidents in relation to Counts 3-6 of the Indictment.

#### *4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

##### *Schedule C.2.1*

520. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions at Batković camp between 1 June 1992 and 30 November 1995.<sup>2102</sup> The Defence argued that Batković camp held POWs and criminals.<sup>2103</sup> It further argued that detainees ate the same food as the guards but shortages in resources and supplies made it difficult to meet dietary and other requirements 100 per cent.<sup>2104</sup> Ultimately, the Defence argued that conditions in

<sup>2102</sup> Indictment, paras 39(b)-(c), 53, 59(b)-(d), 59(g), Schedule C.2.1. See paragraphs 49, 52, and 59 of the Indictment, limiting the time period during which acts of persecution are alleged to have been committed in the Municipalities between 12 May 1992 and 30 November 1995. While the Trial Chamber notes that Schedule C.2.1. of the Indictment alleges that acts of persecution at Batković camp took place 'between at least 1 June 1992 and 31 December 1995', the Trial Chamber has limited its findings to the time period during which the crime of persecution is alleged to have been committed by Mladić in the Municipalities, *i.e.* until 30 November 1995.

<sup>2103</sup> Defence Final Brief, paras 1628-1629; T. 44734-44735.

<sup>2104</sup> Defence Final Brief, paras 1634-1635; T. 44603, 44735.

Batković were humane and regularly checked by the ICRC.<sup>2105</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from a number of persons detained in Batković camp, namely **Mirsad Kuralić**, a Bosnian-Muslim member of the ABiH;<sup>2106</sup> **Tahir Ferhatbegović** and **Witness RM-088**, Bosnian Muslims from Šekovići Municipality;<sup>2107</sup> **Mujo Ramić**, a Muslim school teacher from Šeher in Osmaci Municipality;<sup>2108</sup> **Elvir Pašić**, a Bosnian Muslim from Rogatica Municipality;<sup>2109</sup> **Witness RM-030**, **Ibro Osmanović**, and **Witness RM-004**, Bosnian Muslims from Vlasenica Municipality;<sup>2110</sup> and **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992,<sup>2111</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2112</sup> The Trial Chamber further received evidence from **Pyers Tucker**, a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993,<sup>2113</sup>; **Safet Gagula**, a Bosnian Muslim from Knežina in Sokolac

<sup>2105</sup> Defence Final Brief, paras 1636-1640.

<sup>2106</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6.

<sup>2107</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2; P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

<sup>2108</sup> P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1.

<sup>2109</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

<sup>2110</sup> P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1. P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

<sup>2111</sup> P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

<sup>2112</sup> **Mirsad Kuralić**: P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 7-8. **Tahir Ferhatbegović**: P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), pp. 2, 9. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 52-55, 59, 69-70. **Mujo Ramić**: P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 12-13. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 5-6. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2763-2764, 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), pp. 2-3. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50; Elvir Pašić, T. 4504. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), para. 37. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.

<sup>2112</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, pp. 1, 3.

<sup>2113</sup> P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751.

Municipality;<sup>2114</sup> **Witness RM-358**, a Bosnian Muslim from Srebrenica Municipality, who joined the TO in April 1992;<sup>2115</sup> **Witness RM-513**, a Bosnian Serb from Bijeljina;<sup>2116</sup> **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;<sup>2117</sup> **Đorđo Krstić**, a Serb deputy warden at Batković camp from 11 January 1993 to 6 June 1994;<sup>2118</sup> **Milenko Todorović**, Assistant Commander of the Intelligence and Security organ of the IBK from 16 November 1993;<sup>2119</sup> **Witness RM-066**, a Serb from Vlasenica;<sup>2120</sup> and **Richard Butler**, an intelligence research specialist;<sup>2121</sup> as well as documentary evidence.<sup>2122</sup>

*Establishment, structure, and security at Batković camp*

521. Serb authorities detained mostly Croat and Muslim civilians in six detention centres in Bijeljina Municipality, including in Batković camp.<sup>2123</sup> On 17 June 1992, the VRS Main Staff noted that the Birač Brigade of the IBK had close to 600 detainees and that a POW camp had not yet been established at corps level.<sup>2124</sup> Pursuant to a VRS Main Staff order of 12 June 1992, the IBK was instructed to set up a camp for ‘war prisoners’ and to relieve the Birač brigade from guarding detainees.<sup>2125</sup> This task was to be carried out as soon as possible and no later than 21 June 1992.<sup>2126</sup> On 17 June 1992, also pursuant to the VRS Main Staff order of 12 June 1992, the IBK ordered that a commission, composed of military officials, be formed to immediately select locations and facilities to accommodate POWs outside Bijeljina Town.<sup>2127</sup> The order specified that the location must have facilities to accommodate POWs and it must be fenced

<sup>2114</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, pp. 1, 3.

<sup>2115</sup> P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, p. 1, para. 1, witness statement of 2 October 2013, p. 1, para. 1.

<sup>2116</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

<sup>2117</sup> Mane Đurić, T. 27706.

<sup>2118</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26345.

<sup>2119</sup> Milenko Todorović, T. 19835, 19837.

<sup>2120</sup> P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

<sup>2121</sup> Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.

<sup>2122</sup> P3806 is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>2123</sup> Adjudicated Facts I, no. 515.

<sup>2124</sup> P189 (VRS Main Staff order to IBK, 17 June 1992), p. 1.

<sup>2125</sup> P189 (VRS Main Staff order to IBK, 17 June 1992), p. 2; P377 (Instructions on the treatment of POWs, 15 June 1992)

<sup>2126</sup> P189 (VRS Main Staff order to IBK, 17 June 1992), p. 2.

<sup>2127</sup> D2080 (IBK Command order, 17 June 1992), p. 1.



off.<sup>2128</sup> Lieutenant-Colonel Momčilo Despot was appointed commander of the camp.<sup>2129</sup> The order also specified that there should be an agreement with the Bijeljina municipal organs to have the police secure the camp.<sup>2130</sup> All POWs were to be treated appropriately and in accordance with international laws of war, and unauthorised persons were to be prevented from entering the camp.<sup>2131</sup> The camp was to be set up by 25 June 1992.<sup>2132</sup>

522. On 2 July 1992, pursuant to the VRS Main Staff order of 12 June 1992, the IBK Command ordered that a camp be set up for POWs in the village of Batković.<sup>2133</sup> The camp was described as a collection centre for arrested people and was to operate under the name 'Ekonomija'.<sup>2134</sup> According to the order, the commander of the camp would be in charge of the daily organisation of life, work, and order in the camp.<sup>2135</sup> The organisation of the camp was to be in accordance with the Law on the Army and other rules for regulation of life and work of detainees, especially with the Geneva Convention on the treatment of POWs.<sup>2136</sup> Moreover, the IBK Command was to assign a number of soldiers to secure the facility and guard the detainees.<sup>2137</sup> The questioning and processing of detainees in order to collect information relevant for the VRS was to be carried out by the security organ of the Corps command or the military police battalion.<sup>2138</sup> The Stepa Stepanović barracks in Bijeljina was ordered to support the logistics of the camp.<sup>2139</sup>

523. Also on 2 July 1992, Camp Commander Momčilo Despot of the IBK issued two instructions, one addressed to the IBK Command and the Stepa Stepanović barracks, and one to the commander of the guards at Batković camp.<sup>2140</sup> The first instruction concerned the 'organization of life' at Batković camp or 'POW camp "Ekonomija"'.<sup>2141</sup> Despot instructed that the interrogation of the detainees on military information was to

<sup>2128</sup> D2080 (IBK Command order, 17 June 1992), pp. 1-2.

<sup>2129</sup> D2080 (IBK Command order, 17 June 1992), p. 2.

<sup>2130</sup> D2080 (IBK Command order, 17 June 1992), p. 2.

<sup>2131</sup> D2080 (IBK Command order, 17 June 1992), p. 2.

<sup>2132</sup> D2080 (IBK Command order, 17 June 1992), p. 2.

<sup>2133</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 1.

<sup>2134</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 1.

<sup>2135</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), items 2, 5.

<sup>2136</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), items 5, 7.

<sup>2137</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 3.

<sup>2138</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 4.

<sup>2139</sup> P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 6.

<sup>2140</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992); P3988 (IBK work instruction for the detention camp security organs, 2 July 1992).

<sup>2141</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), p. 1.

be performed by the security organs of IBK.<sup>2142</sup> Despot instructed that it was forbidden for uninvited persons to enter into the courtyard of the camp without permission of the camp commander.<sup>2143</sup> The duty officer at the reception was duty bound to report to the commander of the camp via the phone regarding anyone requesting access to enter the camp; without permission, the visitor would be sent away.<sup>2144</sup> A logbook was to be kept for any visits to the camp.<sup>2145</sup> During the night, the detainees were not allowed to leave 'the storage' and the commander of the guard was responsible for locking 'the storage' and put a rail bar behind it.<sup>2146</sup> Despot further instructed that the POWs were to be treated humanely and that violence was not allowed to be used.<sup>2147</sup> He also instructed that lists of names of POWs at the camp be transmitted to the Red Cross of Bijeljina Municipality in order to inform the relatives of the POWs as well as the International Red Cross.<sup>2148</sup> A general affairs administrative officer was to keep records of the POWs, was responsible for the food in the camp, and for regularly providing the number of detainees to the Stepa Stepanović garrison command in Bijeljina.<sup>2149</sup> The officer was also responsible for setting up a pharmacy within the camp command in order to provide aid to injured persons. Medical check-ups would be performed on every first Wednesday of the month. Despot instructed that the commander of the guard was responsible for exemplary hygiene and order at the camp.<sup>2150</sup>

524. According to the second instruction issued by Despot on 2 July 1992, the camp was composed of a commander of security, a guard shift leader, and four guard posts.<sup>2151</sup> The commander of security was responsible for organising the intake and release of detainees, overseeing the searches of detainees and taking over their personal items for safekeeping, organising the detainees' accommodation, organising that the detainees be escorted for questioning, and controlling the implementation of the daily work schedule.<sup>2152</sup> The commander of security was also responsible for organising the guards in case of riots or escape attempts, with the aim of preventing escape.<sup>2153</sup> The

<sup>2142</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 9.

<sup>2143</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 15.

<sup>2144</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 17.

<sup>2145</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 17.

<sup>2146</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 14.

<sup>2147</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 11.

<sup>2148</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 10.

<sup>2149</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 4.

<sup>2150</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 13.

<sup>2151</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), pp. 1-5.

<sup>2152</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 2.

<sup>2153</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 2.

first and second guard post's duties included stopping all persons at night; if after three warnings a person did not stop, the guards were instructed to shoot.<sup>2154</sup> The third guard post's duties included thwarting any escape attempts by the detainees by issuing a warning or using a weapon.<sup>2155</sup> The fourth guard post's responsibilities included preventing the detainees from approaching the wire.<sup>2156</sup> In case of a detainee's attempted escape, either within the 'wire enclosure' or during 'forced labour' outside the enclosure, the guards were instructed to warn the detainee orally to stop, and in case the guards were unable to physically stop the detainee, they were permitted to open fire to prevent escape.<sup>2157</sup>

525. **Mane Đurić** testified that the VRS ran Batković camp.<sup>2158</sup> **Witness RM-088** testified that Colonel Despot<sup>2159</sup> was the first commander of the camp, between June and July 1992.<sup>2160</sup> In August 1992, the commander at Batković camp was Velibor Stojanović.<sup>2161</sup> **Tahir Ferhatbegović** stated that the commanders from around October 1992 onwards were Đoko Vasiljević,<sup>2162</sup> Petar O. Dimitrović, and Đoko Pajić.<sup>2163</sup> **Witness RM-088** testified that Major Đoko Pajić was the camp commander from December 1992 until at least mid July 1993 when the witness was released.<sup>2164</sup> Mladen Tukodi was deputy commander from June 1992 to the spring of 1993.<sup>2165</sup> **Ferhatbegović** stated that Tukodi was replaced by a person called Đoko from Potpec Tinja.<sup>2166</sup> **Đordo Krstić** testified that on 10 January 1993, the VRS Main Staff ordered his transfer to the Bijeljina headquarters of the IBK, where he was assigned as 'deputy manager' of Batković camp.<sup>2167</sup> **Witness RM-088** testified that Milenko Lujčić was the

<sup>2154</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 3.

<sup>2155</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 5.

<sup>2156</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 5.

<sup>2157</sup> P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 6.

<sup>2158</sup> Mane Đurić, T. 27706.

<sup>2159</sup> Witnesses RM-088, Tahir Ferhatbegović, and Mirsad Kuralić referred to this person as Despot Obradović. However, in light of exhibits P527, P3988, and D2080, the Trial Chamber understands that this is Momčilo Despot.

<sup>2160</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.

<sup>2161</sup> Adjudicated Facts I, no. 507.

<sup>2162</sup> Ferhatbegović refers to this person as Lieutenant-Colonel Đoko Vasišević. In light of other evidence concerning this person, the Trial Chamber understands that the correct spelling of his last name is Vasiljević.

<sup>2163</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2164</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 65, p. 23; Witness RM-088, T. 5349.

<sup>2165</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 41, 65.

<sup>2166</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2167</sup> D664 (Đordo Krstić, witness statement, 29 September 2014), para. 3; Đordo Krstić, T. 26349. The witness referred to Batković camp as the Batković collection centre.

deputy commander from around June to at least July 1993.<sup>2168</sup> **Milenko Todorović** gave testimony that part of his duties as Assistant Commander for Intelligence and Security included oversight of crime prevention and general welfare in Batković camp.<sup>2169</sup>

526. **Elvir Pašić** provided testimony that there were about 30 guards at the camp.<sup>2170</sup> **Krstić** testified that the interior security of the camp was provided by three military police officers, and outside security was provided by different units.<sup>2171</sup> **Witness RM-088**, who arrived at Batković in late June 1992 testified that there were three groups of guards who rotated duties in three shifts and each group had a guard commander who reported to the deputy commander and the commander.<sup>2172</sup> The guard commanders were: shift one commander Velibor Stojanović, a.k.a. Veljo; shift two commander Ljubiša Mišić; and shift three commander Milorad Osapović.<sup>2173</sup> The witness testified that all of the severe beatings in the camp were committed by the following persons: by Stojanović and his group of guards; by Milenko Lujić, who later became the deputy commander; and by Ljubiša Mišić; Milenko Tojić; and Džemal Zahirović, a.k.a. Špajzer.<sup>2174</sup> Stojanović's guards included: Gligor Begović from Goražde; a man with the last name Panić from Sarajevo; a man with the last name Grbović; Radovan Lazarević, a.k.a. Major; Zoran Zarić; Veselin Nikolić; a man known as Daco; a man by the first name of Dragan, a.k.a. Tica; and a man with the last name Knežević.<sup>2175</sup> **Ferhatbegović** stated that the guards included Stojan Makivić, a.k.a. Makinija, and a person nicknamed Rumenka.<sup>2176</sup> All of the commanders, guards, and administrators wore camouflage uniforms with a Serbian flag insignia, and at times with four S's and the letters VRS in Cyrillic; sometimes they used the old JNA uniforms.<sup>2177</sup> **Todorović** testified that when he was the Assistant Commander for Intelligence and Security from November 1993, members of the 3rd Military Police Battalion of the IBK were guards at Batković camp.<sup>2178</sup>

<sup>2168</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.

<sup>2169</sup> Milenko Todorović, T. 19825, 19835, 19837-19840.

<sup>2170</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 41.

<sup>2171</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 19; Đorđo Krstić, T. 26344.

<sup>2172</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 66.

<sup>2173</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 66. *See also* P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2174</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 67, 69.

<sup>2175</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 68.

<sup>2176</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2177</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2178</sup> Milenko Todorović, T. 19835, 19837.

527. **Pašić** testified that on 16 July 1992, he and others were transferred from Sušica camp to Batković camp, where they were received by guards in JNA uniform.<sup>2179</sup> He considered that these guards were not disciplined soldiers, as they had no caps and were wearing running shoes.<sup>2180</sup> The witness remained in the camp for approximately one year.<sup>2181</sup> The camp consisted of three observation towers and two main buildings of approximately 50 by 30 metres each, in one of which about 1,400 people were detained.<sup>2182</sup> In a temporary military tent, another 200 people were detained.<sup>2183</sup> It was surrounded by barbed wire.<sup>2184</sup> The detainees' meals were delivered by a military van from the Bijeljina barracks.<sup>2185</sup> **Witness RM-088** testified that there were two hangars which housed the detainees; one had older people, adolescents, ex-JNA soldiers, and people from villages where there was no resistance fighting and they had access to a television, while the other hangar was comprised of Muslims who came from villages that resisted Serb attacks.<sup>2186</sup>

528. **Pyers Tucker** testified that on 26 March 1993, he attended a meeting, arranged through Slobodan Milošević, in Belgrade between, *inter alios*, Morillon, Gvero, and Mladić.<sup>2187</sup> At this meeting, Mladić acknowledged there had been mistreatment of detainees in some prisons, but he said that these prisons were not under the control of the VRS.<sup>2188</sup> Mladić said that the prisons at Foča, Batković, and Kula, however, were under his control and he claimed that the treatment of detainees in these prisons was in accordance with the Geneva Conventions.<sup>2189</sup> According to Mladić, detainees in these camps received three meals a day and were not made to dig trenches on the front lines.<sup>2190</sup>

<sup>2179</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 36, 39.

<sup>2180</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 36.

<sup>2181</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 36.

<sup>2182</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 37-39; P435 (Sketch of the Batković camp).

<sup>2183</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 39.

<sup>2184</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 37.

<sup>2185</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 40; Elvir Pašić, T. 4504.

<sup>2186</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 72.

<sup>2187</sup> P317 (Pyers Tucker, witness statement, 10 May 2010), paras 241, 243.

<sup>2188</sup> P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.

<sup>2189</sup> P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.

<sup>2190</sup> P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.

*Detainees at Batković camp*

529. From at least June 1992 until 30 December 1992, Serbs detained Muslims and Croats in Batković camp.<sup>2191</sup> The detainees held at Batković camp originated from a large number of municipalities, including Brčko, Ključ, Lopare, Rogatica, Sokolac, Ugljevik, Vlasenica, and Zvornik.<sup>2192</sup> **Ferhatbegović** stated that there were also detainees from Modrica and Doboj.<sup>2193</sup> Many had been transferred from other detention facilities, particularly Sušica camp in Vlasenica and Manjača camp in Banja Luka.<sup>2194</sup> **Ibro Osmanović** testified that from 30 June 1992 to 21 July 1993, he was detained in Batković camp, together with around 3,500 other people.<sup>2195</sup> According to the witness, there were mostly Muslim detainees held in the camp, with a few Croats, Albanians, Roma, and one person with Muslim and Serb parents.<sup>2196</sup> **Witness RM-004** stated that there were 1,600 detainees with him in a hangar grouped by municipality of origin and guarded by reserve soldiers in military uniforms.<sup>2197</sup> All detainees he knew were Muslims.<sup>2198</sup>

530. **Witness RM-513** stated that based on his knowledge, 2,000 to 3,000 people went through the camp, not because of any criminal act, but because they were non-Serb.<sup>2199</sup> According to ‘official reports’, the detainees at Batković camp were all combatants but, in reality, they were mostly civilians.<sup>2200</sup> **Witness RM-088** testified that at least 95 per cent of the detainees at Batković camp were civilians; he could only recall the names of two men who were soldiers: Nedim Mustačević (also known as ‘Beret 1’) and Mirsad Kuralić (also known as ‘Beret 2’).<sup>2201</sup> In December 1992, a group of detainees arrived at Batković camp from Manjača camp amongst whom was Tole Žarko, a Croatian army commander who had been Mladić’s commander in the former

<sup>2191</sup> Adjudicated Facts I, no. 505.

<sup>2192</sup> Adjudicated Facts I, no. 506.

<sup>2193</sup> P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 2.

<sup>2194</sup> Adjudicated Facts I, no. 506.

<sup>2195</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 52, 60; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2763-2764; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2.

<sup>2196</sup> D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 4.

<sup>2197</sup> P3391 (Witness RM-004, witness statement, 30 August 2011), paras 36-37.

<sup>2198</sup> P3391 (Witness RM-004, witness statement, 30 August 2011), paras 36-37.

<sup>2199</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 70.

<sup>2200</sup> Witness RM-513, T. 9355, 9358.

<sup>2201</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 46; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement), p. 1; Witness RM-088, T. 5363.

JNA.<sup>2202</sup> Prior to a visit from the ICRC, he overheard a man tell the commander and deputy commander, Vasiljević and Tukodi, that Žarko was not allowed to be exchanged until Mladić gave his personal approval.<sup>2203</sup>

531. According to an invoice from the Drina-Trans company dated 21 July 1992, on 15 July 1992 the company transported 'prisoners' in four vehicles from Zvornik to Batković camp in Bijeljina Municipality pursuant to an order of the temporary government of Zvornik Municipality and of the TO staff.<sup>2204</sup> On 25 July 1992, the domestic payment agency authorised an order for payment of 85,800 dinars from an account of the Zvornik Municipality to the account of the Drina-Trans company for the transport services carried out between 4 and 18 July 1992.<sup>2205</sup>

532. In August 1992, around 1,280 Muslim men were detained in a single warehouse in the camp, and there were also some women, children, and elderly persons detained in a separate area.<sup>2206</sup> **Witness RM-088** testified that around 13 August 1992, the first group of detainees consisting of elderly, invalids, one child, and men from mixed marriages was released from Batković camp.<sup>2207</sup> Initially these people were not registered at the camp.<sup>2208</sup> Therefore, a list was quickly compiled by Fikret Smajlović.<sup>2209</sup> In September 1992, a group of elderly people, children, and former Muslim JNA soldiers, the presence of whom had not been reported to the ICRC when they arrived in August, were released.<sup>2210</sup> Witness RM-088 was told that Petar O. Dimitrović, acting camp commander in Vasiljević's absence, asked the former Muslim JNA soldiers if anyone wanted to join the Serb army and become a camp guard but no one took the offer and they were released.<sup>2211</sup> According to an order of 3 August 1992 by IBK Commander Dragutin Ilić, camp commander Lieutenant Colonel Vasiljević was

<sup>2202</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 47; Witness RM-088, T. 5396.

<sup>2203</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 48-49; Witness RM-088, T. 5353.

<sup>2204</sup> P405 (Order for payment from the domestic payment agency and invoice from the Drina-Trans company addressed to the Serbian municipality of Zvornik, 25 July 1992), pp. 3-4.

<sup>2205</sup> P405 (Order for payment from the domestic payment agency and invoice from the Drina-Trans company addressed to the Serbian municipality of Zvornik, 25 July 1992), pp. 1-2.

<sup>2206</sup> Adjudicated Facts I, no. 508.

<sup>2207</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 52; P7393 (Order to release prisoners, 3 August 1992).

<sup>2208</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 52.

<sup>2209</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 52. The Trial Chamber notes that Fikret Smajlović was sometimes erroneously referred to in the evidence as Fikret 'Smajjić'. The Trial Chamber has corrected these instances when it was clear the evidence referred to Fikret Smajlović.

<sup>2210</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 56, 65; Witness RM-088, T. 5397-5398.

<sup>2211</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 56; Witness RM-088, T. 5398.

to release all prisoners over the age of seventy from the camp during the course of 4 and 5 August and turn them over to the Red Cross of the SAO Semberija and Maljevic.<sup>2212</sup>

533. **Witness RM-088** heard from another detainee, Sead Feriz, that Vojislav Đurković, a.k.a. Vojkan, the President of the Commission for Exchange and a major in the Serb army at that time, had told Feriz that he would have to pay him money before Đurković would put him on the exchange list.<sup>2213</sup> The witness heard from a Serb guard that although the exchanges were supposed to be on a one-for-one basis, Đurković allowed more detainees to leave than Serb detainees were returned, and the guard assumed that Đurković was getting money.<sup>2214</sup> The witness testified that starting in 1993, civilians were exchanged for Serb detainees.<sup>2215</sup>

534. **Osmanović** testified that he was never given an explanation for his detention.<sup>2216</sup> **Kuralić** stated that during his detention in early September 1992, he received a letter summoning him to court to be put on trial.<sup>2217</sup> On 11 September 1992, ten detainees, including Kuralić, were taken to the court building in Bijeljina for a preliminary hearing.<sup>2218</sup> The witness was not told what he had been charged with and was ordered to serve one month in pre-trial detention at a detention centre in Doboj.<sup>2219</sup> On 1 March 1993, the witness was brought to the KP Dom Bijeljina and on 21 April 1993, he was part of an exchange in Gradačac.<sup>2220</sup>

535. **Mujo Ramić** stated that he was transferred from Sušica camp to Batković camp on 27 June 1992 and he was released from Batković camp around 27 November 1992 as part of a prisoner exchange involving 120 Bosnian Muslims.<sup>2221</sup> **Witness RM-004** stated that he was exchanged on 7 December.<sup>2222</sup> **Pašić** testified that on 21 July 1993, he was assisted by the Red Cross and left the camp together with 40 others in an exchange.<sup>2223</sup> There were approximately 500 detainees left at the camp at the time of the witness's departure.<sup>2224</sup> Before the witness's transfer, other groups were exchanged,

<sup>2212</sup> P7393 (Order to release prisoners, 3 August 1992).

<sup>2213</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 60-61.

<sup>2214</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 62.

<sup>2215</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 46.

<sup>2216</sup> Ibro Osmanović, T. 2759, 2762-2763.

<sup>2217</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.

<sup>2218</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.

<sup>2219</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.

<sup>2220</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.

<sup>2221</sup> P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 12-13.

<sup>2222</sup> P3391 (Witness RM-004, witness statement, 30 August 2011), para. 36.

<sup>2223</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 51-52; Elvir Pašić, T. 4505.

<sup>2224</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 51.



including a group of 350 who were transferred to Tuzla on the same day, and a group of 500-700 persons from Brčko.<sup>2225</sup> The witness and his group made it to Croatia and after being hospitalized in Zagreb for five months, he left for the United Kingdom.<sup>2226</sup> **Ferhatbegović** stated that he was also exchanged on 21 July 1993.<sup>2227</sup> **Witness RM-030** stated that after 13 months, he was released as part of an exchange and arrived in Tuzla on 21 July 1993.<sup>2228</sup>

536. **Đorđo Krstić** testified that upon his arrival at Batković camp on 11 January 1993, the centre held approximately 1,700 detainees from all over Bosnia-Herzegovina in two buildings, roughly half of them in each, and it was managed by reserve Major Đoko Pajić.<sup>2229</sup> The detainees at Batković camp were men between 18 and 60 years of age and the vast majority were non-Serbs.<sup>2230</sup> They were brought in to the centre by the military police and kept there until they were either exchanged or handed over to the ICRC.<sup>2231</sup> The status of the detainees as civilians or combatants was investigated by the security organs of the IBK Command, the Military Prosecution, and the Military Police organs.<sup>2232</sup> Initially, the witness testified that only able-bodied men between 18 and 60 were kept at Batković camp, whereas there had never been any women, children or elderly persons kept there.<sup>2233</sup> During cross-examination, when confronted with a document indicating that nine women, two of whom were 75 years old, had been brought to Batković camp during his time as deputy warden, the witness testified that women, children and elderly may have been brought to Batković camp, but he was not aware of it and he did not remember this had happened.<sup>2234</sup>

537. On 12 February 1993, Chief of Staff of the IBK Colonel Budimir Gavrić sent a communication to the warden of the Bijeljina KP Dom informing him that nine female prisoners who had been brought from Zvornik to Batković camp would be transferred shortly. Gavrić specified that the proper conditions were not in place for their detention at Batković camp, and instructed that the female prisoners would be held at the Bijeljina

<sup>2225</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 51.

<sup>2226</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 52; Elvir Pašić, T. 4478, 4505.

<sup>2227</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2228</sup> P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 6-7.

<sup>2229</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 3, 5; Đorđo Krstić, T. 26348-26350.

<sup>2230</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6; Đorđo Krstić, T. 26351.

<sup>2231</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 21.

<sup>2232</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6; Đorđo Krstić, T. 26349-26350.

<sup>2233</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6.

<sup>2234</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6; Đorđo Krstić, T. 26363-26364.

KP Dom until further notice. For one of the women, Gavrić listed that she was pregnant.<sup>2235</sup> The witness believed that the transfer of these women must have occurred when he was absent from the camp.<sup>2236</sup>

538. On 16 July 1993, Major General Manojlo Milovanović gave an order to transfer all soldiers and civilians captured by different VRS Corps and units to Batković camp.<sup>2237</sup> According to the witness, approximately 100 people were brought to Batković camp during the course of this operation, which lasted from 16 July until 22 July 1993.<sup>2238</sup>

539. Channel Four reported that there were about 400 detainees in Batković camp who had previously been detained in Omarska and Manjača camps until the fall.<sup>2239</sup> While the Channel Four correspondents were not allowed to visit Batković camp itself, they were allowed to interview two Muslim detainees and one Croat detainee from Batković at a flourmill, where they worked during the day.<sup>2240</sup> The detainees indicated they were ‘civilians’ but that Serbs referred to them as POWs.<sup>2241</sup>

540. In a VRS Main Staff order of 3 October 1994 addressed to the DK, SRK, IBK, and HK, Zdravko Tolimir reported on the exchange of detainees between the Muslim side and the VRS.<sup>2242</sup> Amongst others, 24 detainees from Batković camp and 49 detainees from Butmir prison were to be exchanged for Serbs.<sup>2243</sup> Tolimir stated that ‘it should be kept in mind that in the exchanges we receive captured soldiers of the Republic [*sic*] Srpska while we mostly give them civilians’.<sup>2244</sup> Tolimir ordered that the heads of the intelligence sections of the SRK, the DK, and the IBK were to undertake all measures necessary to execute the agreement, while the SRK and DK were to enable an unfettered realization of agreed tasks regarding convoy movement and persons through checkpoints.<sup>2245</sup> The exchanges were to take place on 5 and 11 October 1994.<sup>2246</sup>

<sup>2235</sup> P6797 (IBK report to KP Dom Bijeljina Warden, 12 February 1993), p. 1.

<sup>2236</sup> Đorđo Krstić, T. 26363.

<sup>2237</sup> P6798 (VRS Main Staff order to transfer detainees to Batković, 16 July 1993).

<sup>2238</sup> Đorđo Krstić, T. 26365-26366.

<sup>2239</sup> P4163 (Channel Four news report), p. 3.

<sup>2240</sup> P4163 (Channel Four news report), p. 3.

<sup>2241</sup> P4163 (Channel Four news report), p. 3.

<sup>2242</sup> P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.

<sup>2243</sup> P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.

<sup>2244</sup> P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.

<sup>2245</sup> P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), pp. 1-2.

<sup>2246</sup> P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 2.

541. On 15 April 1995, the DK Command sent instructions which it had received from the VRS Main Staff Security Administration to the commands of various VRS brigades, battalions and a military police battalion.<sup>2247</sup> According to the instructions, the VRS Main Staff considered that the ‘negligent’ behaviour shown towards POWs from the moment of capture until they were taken to the Batković ‘collection centre’, or to another place of detention, as well as during detention itself, allowed the POWs to submit reports to their own intelligence and security organs with significant information about the VRS and the situation in the field after their exchange.<sup>2248</sup> In order to avoid this situation, the units were instructed to search, blindfold and handcuff the POWs prior to being transported.<sup>2249</sup> On 20 April 1995, IBK Assistant Commander for Intelligence and Security, Milenko Todorović sent out identical instructions recalling the VRS Main Staff’s instruction; the instructions were addressed only to the 3rd Military Police Battalion and only referred to the situation at Batković.<sup>2250</sup> When shown these instructions, **Milenko Todorović** confirmed they mirrored the language contained in the 15 April 1995 DK Command instruction, and as such would have resulted from an instruction received from the VRS Main Staff Security Administration.<sup>2251</sup> The witness also testified that he would sometimes also relay information obtained by the 3rd Military Police Battalion during interrogations of detainees at Batković directly to Vujadin Popović.<sup>2252</sup>

542. The witness stated that due to pressure from the families of captured VRS soldiers and a lack of captured POWs to exchange in July 1995, General Simić called Colonel Pandurević, who said that the Zvornik Brigade could capture members of the ABiH trying to break through to Tuzla and send them to Batković camp.<sup>2253</sup> Between 15 and 20 July 1995, 15 members of the 3rd Military Police Battalion went from Bijeljina to the Zvornik Brigade daily and escorted a total of between 176 and 183 captured POWs to Batković camp.<sup>2254</sup> On 18 July 1995, 22 detainees were transferred from the

<sup>2247</sup> P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), p. 1.

<sup>2248</sup> P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), pp. 1-2.

<sup>2249</sup> P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), pp. 2-3.

<sup>2250</sup> P2919 (IBK instructions to 3rd military police battalion, 20 April 1995), p. 1.

<sup>2251</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12968-12974.

<sup>2252</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12959-12960, 12962, 12968.

<sup>2253</sup> P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 4-5, 9, 11; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12941-12944; Milenko Todorović, T. 19822-19823, 19830-19831, 19859.

<sup>2254</sup> P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 6, 17-18; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 13161, 13165; Milenko Todorović, T. 19864-19866; P2921 (IBK Command operations logbook, 5 March 1995-12 June 1996), pp. 2-3.

5th Military Police Battalion to Batković camp under the care of the 3rd Military Police Battalion. According to the witness, all detainees were registered upon their arrival at Batković camp and the President of the POW commission, Ljubomir Mitrović, would then immediately notify the ICRC in Bijeljina.<sup>2255</sup> Mitrović was not part of any unit in Bosnia-Herzegovina, but reported directly to the IBK Command.<sup>2256</sup>

543. In a VRS Main Staff report of 3 September 1995 on the exchange of detainees, Tolimir reported on the VRS Main Staff's efforts regarding an 'all-for-all' exchange of Muslim soldiers held in Batković camp against VRS soldiers held in Muslim prisons, as the number of Muslim POWs held by the VRS in Batković camp was smaller than the number of captured VRS soldiers. Tolimir reported this was not accepted by the Muslim side, and that the two sides were planning to meet in the village of Kaloševići to come to an agreement on an exchange and on the favourable treatment of POWs.<sup>2257</sup>

544. According to a list from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ dated 13 March 2002, 171 Muslims – almost all of whom had arrived at Batković camp in July 1995 – had been 'exchanged' between July and December 1995.<sup>2258</sup> According to **Richard Butler**, these detainees were under the custody of the VRS.<sup>2259</sup> The detainees, who were registered by the ICRC, were exchanged between July and late December 1995 in the presence of the ICRC.<sup>2260</sup> Some individuals were moved to Batković camp from Bratunac, under the escort of the DK military police, around 17 and 18 July 1995.<sup>2261</sup> From 23-24 July 1995 and onwards, about 150 to 200 individuals captured, *inter alia*, in Zvornik and Bratunac, were sent to Batković camp.<sup>2262</sup>

545. In a telegram of October 1993 to the Eastern Bosnia Corps Commander, their Chief of Intelligence and Security, the DK Commander, and the Central State

<sup>2255</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12958-12959.

<sup>2256</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12953-12958, 12961; Milenko Todorović, T. 19840-19843, 19879-19880; P2922 (Aerial image of Batković camp); P2942 (Marked aerial image of Batković camp).

<sup>2257</sup> P2944 (VRS Main Staff report on exchange of prisoners, 3 September 1995), pp. 1-5.

<sup>2258</sup> P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.

<sup>2259</sup> Richard Butler, T. 16441-16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.

<sup>2260</sup> P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-9.

<sup>2261</sup> Richard Butler, T. 16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.

Commission for POW Exchange, Mladić set out that the DK Commander, Milenko Živanović, had not agreed to the exchange of 26 POWs captured in the zone of responsibility of the DK that had been scheduled for 16 October 1993 in Kovačica by the Commission for POW exchange.<sup>2263</sup> While 13 of these POWs were detained in the Batković collection centre, the other 13 were held in Vlasenica and Živanović had informed Mladić that the 26 POWs were to be exchanged for captured soldiers of the DK held at Muslim prisons.<sup>2264</sup> Mladić cancelled the scheduled exchange because the captured soldiers of the DK had not been envisaged for this exchange, and because the Muslim POWs had been put on the exchange list without permission of the DK.<sup>2265</sup> Mladić further instructed the Central State Commission for POW exchange to not include prisoners from the area of responsibility of the DK in the POW exchange without the permission of the DK Commander and their Commission for the exchange of POW in the future.<sup>2266</sup>

*Conditions at Batković camp*

546. With regard to the conditions at the camp, **Witness RM-088** testified that in late June 1992, he and about 1,300 men and women were placed in hangar number 1, which was crowded and they were forced to sleep like ‘sardines in a tin’.<sup>2267</sup> At that time, the second hangar was not yet in use.<sup>2268</sup> There were mattresses and blankets in the hangar, but the detainees were not allowed to use them on night of their arrival, even though it was very cold.<sup>2269</sup> **Witness RM-513** testified that when he visited the camp in late summer 1992, conditions at the camp for the between 1,000 and 2,000 detainees were very poor; the camp did not have access to water from the town’s supply and the space for detainees was confined.<sup>2270</sup> During his visit, the witness observed detainees lying on some sort of rugs on a concrete floor under a metal sheet roof.<sup>2271</sup> **Pašić** testified that the detainees only received hygiene products from the Red Cross, but not from authorities

<sup>2262</sup> Richard Butler, T. 16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.

<sup>2263</sup> P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), pp. 1-2.

<sup>2264</sup> P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.

<sup>2265</sup> P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.

<sup>2266</sup> P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.

<sup>2267</sup> Witness RM-088, T. 5352-5353, 5376.

<sup>2268</sup> Witness RM-088, T. 5352.

<sup>2269</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 41

<sup>2270</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 71; Witness RM-513, T. 9356.

<sup>2271</sup> Witness RM-513, T. 9356.

of the camp.<sup>2272</sup> Following the ICRC visits, the detainees were provided with three servings of food per day; however, the food – provided on one plastic dish shared by ten inmates – was extremely limited while detainees were rushed and beaten while eating.<sup>2273</sup> **Witness RM-088** testified that at first, detainees at Batković received very little to no food at all, and that after the ICRC visited, the detainees received some food three times a day which was of ‘terrible quality’.<sup>2274</sup> The ICRC insisted that the Serbs keep a Serb doctor at the camp to treat the detainees but the doctor rarely visited the camp and only arrived on the days the ICRC came, accompanied by two nurses.<sup>2275</sup> The doctor, by the first name of Željko, falsified death reports and stated that detainees who had died because they were denied access to medical care – for example, one detainee who had diabetes died after being refused medicine, another detainee died of tuberculosis, and two detainees from Rogatica died of dysentery – had died of ‘natural causes’.<sup>2276</sup> Detainees who typed reports that were provided to the ICRC were instructed by the camp command to write down that these people died of natural causes.<sup>2277</sup>

547. **Safet Gagula** stated that he was arrested in July 1992 and kept in various detention centres.<sup>2278</sup> On 15 March 1993, he was taken to Batković camp near Bijeljina.<sup>2279</sup> The camp housed 400 to 600 people in a large hangar, while another hangar housed 200 people, who he believed had all been sentenced by a military court of the VRS. People slept on wooden pallets, if they had them, or on the bare concrete floor. Those who had to perform labour received three meals a day. On 23 June 1993 the witness, together with other detainees, was transferred to Kula camp in Ilidža Municipality.<sup>2280</sup>

548. **Krstić** testified that during his time at Batković camp, from January 1993 to June 1994, the living conditions in Batković camp were ‘fairly good’; the accommodation facility was constructed from solid material and was equipped with wood-burning

<sup>2272</sup> Elvir Pašić, T. 4504-4505.

<sup>2273</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 40.

<sup>2274</sup> Witness RM-088, T. 5391.

<sup>2275</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 87; Witness RM-088, T. 5360.

<sup>2276</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 91; Witness RM-088, T. 5360-5361.

<sup>2277</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 91; Witness RM-088, T. 5360-5361.

<sup>2278</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 5-6, Bosnia-Herzegovina statement of 20 August 1993, pp. 1-3.

<sup>2279</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 5-6, Bosnia-Herzegovina statement of 20 August 1993, pp. 1-3.

<sup>2280</sup> P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

stoves and sufficient wood logs for heating.<sup>2281</sup> The detainees were supplied with drinkable water from taps and had a sufficient number of showers and toilets at their disposal.<sup>2282</sup> The detainees slept on straw on wooden pallets covered with 'PVC' foil and received two blankets each.<sup>2283</sup> They were provided with three meals a day and received the same food as members of the VRS.<sup>2284</sup> Medical check-ups were arranged every morning; ill detainees had a doctor at their disposal and could be brought to a medical station or to the city hospital if necessary.<sup>2285</sup> The ICRC visited Batković camp once or twice a week and, according to the witness, the cooperation was 'excellent'.<sup>2286</sup> The ICRC, as well as foreign journalists, usually came without prior notification and could visit the facilities and communicate with the detainees freely, without special preparations being made.<sup>2287</sup> The witness talked to the detainees on a daily basis and never received any complaints, nor was he aware of any abuse.<sup>2288</sup> **Todorović** testified that during his time at the camp, from 16 November 1993 until the camp was closed, a physician of Muslim ethnicity would come to Batković camp once a week to take care of detainees; he also testified that the detainees were served the same food from the kitchen in Bijeljina as the soldiers.<sup>2289</sup> The witness testified that he was not informed of crimes committed against camp detainees during his time at Batković.<sup>2290</sup>

549. On 25 January 1994, Mladić requested the opinions of the Bosnian-Serb President and Prime Minister on the status of 134 able-bodied Croats who had fled the Tuzla and Sarajevo regions and were detained in Batković and Kula camps, where the majority of them had been held for over 20 days.<sup>2291</sup> Mladić indicated that there were difficulties in securing food, hygiene, and medical supplies, as well as providing security for the detainees.<sup>2292</sup>

<sup>2281</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 3, 8, 10; Đorđo Krstić, T. 26345. The witness referred to Batković camp as the Batković collection centre.

<sup>2282</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 8, 11.

<sup>2283</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 10.

<sup>2284</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 9.

<sup>2285</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 18.

<sup>2286</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 12-13.

<sup>2287</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 12-13; Đorđo Krstić, T. 26348-26349.

<sup>2288</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 19.

<sup>2289</sup> Milenko Todorović, T. 19839-19840.

<sup>2290</sup> Milenko Todorović, T. 19839.

<sup>2291</sup> P4146 (Telegrams on Croatian POWs in Bosnian-Serb territory), telegram of Mladić to the Bosnian-Serb President and Prime Minister, 25 January 1994, p. 1.

<sup>2292</sup> P4146 (Telegrams on Croatian POWs in Bosnian-Serb territory), telegram of Mladić to the Bosnian-Serb President and Prime Minister, 25 January 1994, p. 1.

550. **Witness RM-358**, stated that on 21 July 1995, he was taken by truck, along with about 39 others, to a camp near the town of Batković.<sup>2293</sup> During his detention, he lost significant weight and knew of many people, including his cousin, who died of malnutrition, as well as a man who died after being taken to hospital with a minor leg wound.<sup>2294</sup>

*Treatment of detainees at Batković camp*

551. The detainees at Batković camp were beaten by Serb guards.<sup>2295</sup> Ten detainees were singled out for especially harsh treatment.<sup>2296</sup> They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees.<sup>2297</sup>

552. **Witness RM-088** provided details about the ill-treatment of detainees upon his arrival at the camp. He testified that when he reached Batković camp from Sušica camp on 27 June 1992, he saw a large sign that stated 'prisoner-of-war camp'.<sup>2298</sup> After the detainees got off the buses at Batković camp, they were ordered to pass through two lines formed by Serb soldiers, who hit them with objects such as rifles and chains.<sup>2299</sup> Mladen Tukodi ordered the detainees not to move and to stay calm and he then gave the following order to a guard standing by a machine gun pointed at the detainees in the hangar: 'If you notice any of them moving, just shoot.'<sup>2300</sup> The following morning, on 28 June 1992, policemen from Sremski Karlovci started beating the detainees, then divided them according to those who had their hair and those with shaved heads, and continued the beatings focusing particularly on those with shaved heads who they believed were connected to Zenga, a paramilitary group in Croatia.<sup>2301</sup> The policemen also threatened to kill those with shaved heads and only stopped the beatings after it was confirmed that they came from Vlasenica and not Croatia.<sup>2302</sup> **Osmanović** testified that when he arrived at Batković camp on 30 June 1992 on a bus together with a group of

<sup>2293</sup> P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.

<sup>2294</sup> P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.

<sup>2295</sup> Adjudicated Facts I, no. 510.

<sup>2296</sup> Adjudicated Facts I, no. 511.

<sup>2297</sup> Adjudicated Facts I, no. 511.

<sup>2298</sup> Witness RM-088, T. 5363.

<sup>2299</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 40; Witness RM-088, T. 5352.

<sup>2300</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 41.

<sup>2301</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 43.

<sup>2302</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 43.



other detainees from Vlasenica, they were beaten with police batons and metal pipes on their way from the bus to the hangar and all their valuables were taken.<sup>2303</sup>

553. Witnesses gave evidence that the detainees at Batković camp were beaten severely and feared for their lives.<sup>2304</sup> Until at least August 1992, beatings occurred every day.<sup>2305</sup> **Kuralić** provided testimony regarding the ill-treatment he was subjected by the camp guards, using their hands, feet, and weapons.<sup>2306</sup> Prior his detention at Batković camp, the witness's skull had already been fractured as a result of ill-treatment in Sušica camp.<sup>2307</sup> At Batković camp, his skull was further fractured, as well as his nose, jaw, and right upper arm; the ill-treatment also resulted in the deformation of his earlobes, broken ribs, and damaged kidneys.<sup>2308</sup> As a result of the ill-treatment, he was still undergoing treatment for psychological trauma more than ten years later.<sup>2309</sup> **Witness RM-030**, who was also detained at Sušica camp prior to his detention at Batković camp, also sustained lasting injuries due to the beatings at Batković camp,<sup>2310</sup> **Pašić** testified he was forced to dig his own grave.<sup>2311</sup>

554. A group of ten to twelve detainees called the 'special group' was beaten several times a day.<sup>2312</sup> Due to the daily beatings, members of this group had deformed faces and could hardly be recognized.<sup>2313</sup> The prison guards laughed and approved of the beatings they observed.<sup>2314</sup> **Pašić** testified that front line soldiers were permitted to enter

<sup>2303</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 52, 54; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2.

<sup>2304</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; Ibro Osmanović, T. 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.

<sup>2305</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 40, 48. *See also* P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; Ibro Osmanović, T. 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.

<sup>2306</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 8.

<sup>2307</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 9-10.

<sup>2308</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 9-10; P2523 (Mirsad Kuralić, *Krajišnik* transcript, 25 April 2005), p. 12583; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), pp. 1-7.

<sup>2309</sup> P2523 (Mirsad Kuralić, *Krajišnik* transcript, 25 April 2005), p. 12583.

<sup>2310</sup> P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 6-7.

<sup>2311</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 47.

<sup>2312</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.

<sup>2313</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2.

<sup>2314</sup> Ibro Osmanović, T. 2766.

the camp and assault the detainees as they pleased.<sup>2315</sup> Such soldiers entered the camp every 10 to 15 days.<sup>2316</sup>

555. Several witnesses testified that those who participated in beatings and other forms of ill-treatment of the detainees included commanders Colonel Despot, Lieutenant Colonel Đoko Vasiljević, and Lieutenant Colonel Petar Dimitrović; security squad commanders Velibor Stojanović, a.k.a. Veljo, Stojan Makivić, a.k.a. Kivinja, Ljubiša Mišić, Milorad Ošopović, Milenko Lujčić, and Mladen Tukodi; guards Gligor Begović, Veselin Nikolić, a person called Pavić, Radovan Lazarević, a.k.a. Major, Dragan Goić, a person called Grobović, Milenko Perić, Jovan Arsenović, and Zoran Zarić, a.k.a. Zoka; policemen Dragan Ilić and Aleksandar Đurić, a man with the last name Panić; a man with the last name Grbović, a.k.a. Daco; a person called Omer, from Brčko; and a person called Drago (from Požarnica in Tuzla municipality).<sup>2317</sup>

556. Detainees were involved in the beatings of other detainees, including Fikret Smajlović, Besim Mehinović, a.k.a. Pupa; Esad Bekrić; Mersed Sečkanović; two brothers Džemal and Džemail Malić; and Omer Brodlić from Brčko.<sup>2318</sup> Fikret Smajlović, Zahirović, and Mehinović beat the detainees during the night or day, with or without the presence of Serbs, while Bekrić, Sečkanović, and Brodlić took detainees out only during the night and beat the detainees only when Serbs were present.<sup>2319</sup> Fikret Smajlović wore a camouflage uniform, seemed to be loyal to the Serbs, and received special privileges as a result.<sup>2320</sup> He beat detainees with his fists and the metal part of his military belt and also kicked them.<sup>2321</sup>

557. **Osmanović** testified that in August 1992, the guards in the camp were changed and most of the guards who had beaten detainees were replaced by a group of elderly

<sup>2315</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 48.

<sup>2316</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), para. 48.

<sup>2317</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 55; P434 (Elvir Pašić, witness statement, 21 October 1994), paras 41-42; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6; P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 10-11; P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; Elvir Pašić, T. 4498.

<sup>2318</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; P434 (Elvir Pašić, witness statement, 21 October 1994), para. 43; P524 (Witness RM-088, witness statement, 17 October 1994), para. 69; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3; Elvir Pašić, T. 4503, 4505.

<sup>2319</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 70; P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.

<sup>2320</sup> P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 62; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2821.

people from the village of Batković, who treated the detainees fairly.<sup>2322</sup> **Witness RM-088** believed that two policemen, Drago Ilić and Aleksandar Đurić, were sent to the camp during Đoko Vasiljević's command, between August and December 1992, because the guards were beating the detainees too much. The policemen established rules that no guards could beat the detainees or enter the hangar. From that point on, Ilić and Đurić reported directly to the camp commander and Ilić would beat the detainees himself.<sup>2323</sup>

558. At the end of June 1992, an administrator known as 'Učo' put a number of detainees to work in the administrative section, where their primary duty was to type reports and lists of detainees including the detainee's name, surname, and when the detainee was captured.<sup>2324</sup> According to a written instruction, a list of the detainees held at the camp along with their basic information was to be sent to the ICRC in Bijeljina.<sup>2325</sup> The reports to the ICRC only needed to record if the person left the camp due to release, exchange, death, or transfer, as well as the date the person left the camp.<sup>2326</sup> Only the commander or deputy commander could sign the ICRC reports and the commander or deputy commander would have to go with the ICRC representative to the IBK in Bijeljina to verify the reports.<sup>2327</sup> Tukodi gave orders to the detainees regarding what names to put in the reports.<sup>2328</sup> The camp command also ordered them to include false information in the reports addressed to the ICRC because the ICRC wanted to know where people were at any given point in time.<sup>2329</sup> Therefore, if a man was killed or went missing, the reports would state that the person had been exchanged.<sup>2330</sup> The camp authorities, however, knew what had actually happened to the persons who were reported as released.<sup>2331</sup>

559. On 4 August 1992, Colonel Dragutin Ilić, Commander of the IBK, ordered the commander of the 'POW' camp to prepare the camp for a visit by foreign journalists

<sup>2321</sup> P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2821.

<sup>2322</sup> Ibro Osmanović, T. 2832; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.

<sup>2323</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.

<sup>2324</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 43-44, 46; Witness RM-088, T. 5356.

<sup>2325</sup> P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 10.

<sup>2326</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 83.

<sup>2327</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 83; Witness RM-088, T. 5357.

<sup>2328</sup> Witness RM-088, T. 5357.

<sup>2329</sup> Witness RM-088, T. 5359-5360, 5362, 5401; P528 (Decision by Batković collection centre command, signed by Đ. Vesiljević, 26 September 1992), p. 1.

<sup>2330</sup> Witness RM-088, T. 5359-5360, 5362, 5401; P528 (Decision by Batković collection centre command, signed by Đ. Vesiljević, 26 September 1992), p. 1.

and the ICRC.<sup>2332</sup> The ICRC began visiting Batković camp in late August or September 1992 and after that, conditions at the camp improved.<sup>2333</sup> When the ICRC visited the camp, the youngest and oldest detainees, together with the most badly beaten detainees, were temporarily removed from the camp.<sup>2334</sup> **Ferhatbegović** specified that the guards hid the men over 60 and children younger than 18 years of age.<sup>2335</sup> **Kuralić** stated that this also happened whenever journalists visited the camp.<sup>2336</sup> **Witness RM-088** testified that the ICRC had to give notice 24 hours prior to its arrival at Batković camp; on 16 August 1992, such notice was received and on 17 August 1992, the ICRC visited the camp.<sup>2337</sup> The group of detainees called the ‘special unit’, which included Ejub Smajić and Alija Gušalić, was taken away from the hangar to the Čardak, a building surrounded by barbed wire situated about 700 metres from the main building.<sup>2338</sup> The ‘special unit’ was registered and their information was passed on to Tukodi. Subsequently, Serb policemen came into the Čardak and put on old clothes to make themselves look like the other detainees. After the ICRC arrived, the detainees were divided into small groups with about two policemen substituting detainees in each group.<sup>2339</sup> One of the policemen introduced himself as Ejub Smajić.<sup>2340</sup> At that time, the detainees in the special unit were badly swollen and bruised due to beatings they had received at the camp.<sup>2341</sup> **Witness RM-513** testified that guards would also pose as murdered detainees so that it would appear that no one was missing from the rosters.<sup>2342</sup> Vlado Stević was a military policeman in the Bijeljina barracks who was occasionally brought to Batković camp to stand in for missing detainees.<sup>2343</sup> **Pašić** testified that the detainees who

<sup>2331</sup> Witness RM-088, T. 5362.

<sup>2332</sup> P6795 (IBK Command order, 4 August 1992).

<sup>2333</sup> Adjudicated Facts I, no. 514.

<sup>2334</sup> Adjudicated Facts I, no. 513.

<sup>2335</sup> P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.

<sup>2336</sup> P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 8.

<sup>2337</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 53-55. The Trial Chamber notes that Elvir Pašić testified that the first ICRC visit happened in September 1992 (P434 (Elvir Pašić, witness statement, 21 October 1994), para. 49 Elvir Pašić, T. 4504). However, considering the details provided by Witness RM-088, the Trial Chamber has relied on his evidence, rather than that of Pašić, with regard to the date of the first visit.

<sup>2338</sup> P524 (Witness RM-088, witness statement, 17 October 1994), paras 54-55; Witness RM-088, T. 5393.

<sup>2339</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 55.

<sup>2340</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 55; Witness RM-088, T. 5399.

<sup>2341</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 55

<sup>2342</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 76; Witness RM-513, T. 9358.

<sup>2343</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 76; Witness RM-513, T. 9358.

remained in the camp were instructed to report that the conditions at the camp were good.<sup>2344</sup> Some detainees did not comply as a result of which they were all beaten.<sup>2345</sup>

560. **Witness RM-088** testified that in September 1992, an American news crew arrived at Batković camp to interview detainees.<sup>2346</sup> Before the interview, Fikret Smajlović and Džemal Zahiromić, a.k.a. Špajzer, substituted Alija Gušalić and Ejub Smajjić.<sup>2347</sup> Velibor Stojanović and Tukodi told the detainees that they could talk about life in the hangar but that they were not allowed to tell the reporter about the people who were dead or beaten.<sup>2348</sup> One detainee told a reporter from the American news crew that they were all civilians and that none of them had been soldiers.<sup>2349</sup> On 11 September 1992, the members of the ‘special unit’ were transferred away and the ICRC report was prepared, stating that the men in this group were transferred to a prison in Dobož for investigation.<sup>2350</sup>

*The Trial Chamber’s findings*

561. The Trial Chamber notes Đorđo Krstić’s evidence that during his time at Batković camp from 11 January 1993 to 6 June 1994, no civilians were detained in the camp, living conditions in the camp were ‘fairly good’ and detainees were not mistreated. The Trial Chamber notes in this respect that much of the evidence it received on the conditions at the camp and the treatment of detainees relates to 1992 and it is therefore not challenged by Krstić’s evidence. With regard to 1993 and 1994, the Trial Chamber makes the following observations. Krstić was evasive in answering questions put to him by both the Prosecution and the Trial Chamber and he could not explain the large discrepancies between his statement and documents shown to him in court – including contemporaneous reports from his superiors.<sup>2351</sup> For the most part, Krstić’s evidence on the conditions at Batković camp and the civilian status of the detainees contrasted starkly with almost all of the evidence the Trial Chamber received

<sup>2344</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50.

<sup>2345</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50.

<sup>2346</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.

<sup>2347</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.

<sup>2348</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.

<sup>2349</sup> Witness RM-088, T. 5354.

<sup>2350</sup> P524 (Witness RM-088, witness statement, 17 October 1994), para. 59.

<sup>2351</sup> Đorđe Krstić, T. 26356-26365; P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1; P6797 (IBK report to KP Dom Bijeljina Warden, 12 February 1993), p. 1; P6798 (VRS Main Staff order to transfer detainees to Batković, 16 July 1993).

on these issues. In this regard, the Trial Chamber considered that a large number of witnesses gave detailed, credible, and consistent testimony before the Trial Chamber regarding the conditions at the camp, the deplorable medical care, as well as the mistreatment of detainees and the concealment thereof by the camp authorities. For these reasons, the Trial Chamber has not relied on this aspect of Krstić's evidence.

562. Based on the foregoing, the Trial Chamber finds that between 27 June 1992 and the end of November 1995, a large number of detainees were held at Batković camp. The number of detainees fluctuated during the camp's existence. At its peak, between June 1992 and July 1993, the camp held around 3,500 detainees. The detainees were predominantly Bosnian Muslim and Bosnian Croat. Based on the evidence, the Trial Chamber finds that the detainees were mostly civilians. At times, there were women, children, and elderly persons among the detainees. The vast majority of detainees were detained at Batković camp not because they had committed a criminal act but because they were non-Serb.

563. From June 1992 until at least September 1992, detainees did not have access to water from the town's supply and the camp was very crowded; each of the two hangars was approximately 1,500 square metres. A single hangar held between 1,000 and 1,400 detainees in this period. In a temporary military tent, another 200 people were detained. Inmates slept on rugs on a concrete floor and without blankets. Sanitary conditions were poor. One Serb doctor, accompanied by two nurses, rarely visited the camp and only arrived on days the ICRC visited the camp. The Trial Chamber finds that the situation at the camp improved somewhat from September 1992 onwards, after the ICRC began visiting the camp. In particular, the detainees were provided with more food, although it was still hardly sufficient. Moreover, detainees were given little time to eat and some were beaten while eating. In the second half of 1995, detainees lost significant weight and a number of them died of malnutrition.

564. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber finds that the VRS established Batković camp and that VRS soldiers commanded and guarded the facility. The Trial Chamber, accordingly, finds that the VRS detained people at Batković camp and were responsible for the conditions of their detention.

565. The most severe beatings of detainees at Batković camp occurred between June and December 1992. Detainees were severely beaten on a daily basis with fists, feet and

various instruments, such as the metal part of a military belt, weapons, police batons, chains, rifles, or metal pipes. Ten detainees were singled out for especially harsh treatment. They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees. As a result of the beatings, some detainees sustained severe permanent physical injury and long-lasting psychological trauma. On one occasion, policemen from Sremski Karlovci came to the camp and severely beat the detainees. While the intensity of the beatings diminished following the ICRC visits in September 1992, the Trial Chamber concludes that beatings occurred at Batković camp between 1 June 1992 and 21 July 1993. The Trial Chamber did not receive evidence of beatings occurring after 21 July 1993.

566. The Trial Chamber finds that detainees at Batković camp were beaten by the camp's commanders,<sup>2352</sup> deputy commanders and security squad commanders,<sup>2353</sup> guards,<sup>2354</sup> and policemen.<sup>2355</sup> Front line soldiers were also permitted to enter the camp and approximately twice per month assaulted the detainees as they pleased. The Trial Chamber notes that some Muslim detainees participated in severe beatings.<sup>2356</sup> The Trial Chamber will not further consider these beatings in relation to any count of the Indictment.

567. The Trial Chamber further finds that the Batković camp authorities provided false reports to the ICRC to hide acts committed against persons detained at the camp. In addition, working closely with members of the VRS Military Police, the camp authorities set up a system to conceal the youngest and oldest detainees, as well as detainees who had been severely ill-treated, from the ICRC and journalists. The Trial Chamber will further address this aspect in chapter 9.2.10.

568. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8, below.

<sup>2352</sup> Colonel Momčilo Despot, Velibor Stojanović, nicknamed 'Veljo', Lieutenant Colonel Đoko Vasiljević, and Lieutenant Colonel Petar O. Dmitrović (acting camp commander in Vasiljević's absence).

<sup>2353</sup> Stojan Makivić, nicknamed 'Kivinja', Ljubiša Mišić, Milorad Ošopović, nicknamed 'Miko', Milenko Lujić, and Mladen Tukodi, nicknamed 'Mladjo'.

<sup>2354</sup> Gligor Begović, Veselin Nikolić, a person called Pavić, Radovan Lazarević, nicknamed 'Major', Dragan Goić, a person whose last name was Grbović, nicknamed 'Daco', Milenko Perić, Jovan Arsenović, Zoran Zorić or Zarić, nicknamed 'Zoka', a man whose last name was Panić, a man whose last name was Knežević, and Milenko Tojić.

<sup>2355</sup> Dragan Ilić, nicknamed 'Drago' and Aleksandar Đurić.

<sup>2356</sup> Fikret Smajlović, nicknamed 'Pike' or 'Piklić', Džemal Zahirović, nicknamed 'Špajzer', Omer Brodlić from Brčko, and Esad Bekrić.

*4.2.3 Destruction of private and public property, including cultural monuments and sacred sites*

569. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites listed in Scheduled Incident D.1, in Bijeljina Municipality between 12 May 1992 and 30 November 1995.<sup>2357</sup> The Defence argued that the Adjudicated Fact and the evidence adduced by the Prosecution related to this scheduled incident are insufficient to identify the date, perpetrators, and manner of the destruction of the three mosques mentioned in Scheduled Incident D.1.<sup>2358</sup> In particular, the Indictment sets out that the Atmačići, Janjari, and Srednja Trnova mosques were destroyed in the summer of 1992.<sup>2359</sup> Scheduled Incident D.1 is limited to the destruction of these three mosques. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the Scheduled Incidents.<sup>2360</sup> Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Scheduled Incident D.1. The Trial Chamber took judicial notice of Adjudicated Fact number 517 related to the destruction of religious monuments in Bijeljina Municipality. The Trial Chamber further received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,<sup>2361</sup> and **András Riedlmayer**, bibliographer and art documentation specialist,<sup>2362</sup> as well as documentary evidence.

570. During the summer of 1992, two mosques in Bijeljina Municipality were damaged or destroyed.<sup>2363</sup>

571. **Witness RM-513** stated that according to a rumour circulated in Bijeljina, religious and cultural monuments in Bijeljina were destroyed in the summer of 1992 under the supervision of the Department of Urbanism and Construction in Bijeljina. This department was headed by Đorđe Krsmanović, who was also a member of the War Presidency. Krsmanović was assisted by Dragan Jovanović who was a civil engineer.

<sup>2357</sup> Indictment, paras 47, 52, 59(j), Schedule D.1.

<sup>2358</sup> Defence Final Brief, paras. 1648-1651.

<sup>2359</sup> Indictment, Schedule D. 1.

<sup>2360</sup> Further on this issue, *see* Appendix B.

<sup>2361</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

<sup>2362</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.

<sup>2363</sup> Adjudicated Facts I, no. 517.



The rumour also said that the monuments were destroyed by the VRS 1KK. The witness further stated that five important sites were destroyed in one night, including the Atik mosque. Afterwards, their rubble was removed by companies from Bijeljina, which used Muslims on work details. According to the witness, only the Catholic church was spared, at the intervention of the orthodox Bishop from Tuzla.<sup>2364</sup>

572. According to a Channel Four news report, a paramilitary group known as ‘The Panthers’, commanded by Ljubiša Savić, a.k.a. Mauzer, blew up the five mosques of Bijeljina Town in one night. Two hours before their destruction, all telephone lines in Bijeljina were cut. According to the report, the Bosnian-Serb mayor of the town, Jovan Vojnović, knew beforehand and opposed the plan to destroy the mosques. Following the destruction of Bijeljina’s main mosque, its site was levelled with bulldozers. The mosque was only partially blown up to spare the surrounding buildings.<sup>2365</sup>

573. **András Riedlmayer** provided evidence about the destruction of religious monuments in Bijeljina Town. According to him, the Atik, Selimovići, Dašnica, Krpić, and Janjica mosques and the Turbe of Sadik Aga, located in Bijeljina Town, were destroyed with explosives on the night of 12-13 March 1993 and their ruins razed.<sup>2366</sup> Serb soldiers mined the Atik mosque.<sup>2367</sup> According to another source, a militia, known as the Panthers and commanded by Ljubiša Savić a.k.a. Mauzer, was responsible for the destruction of the Atik mosque.<sup>2368</sup> The sites where the mosques and the Turbe stood were levelled with heavy equipment, cleared, and planted with grass and trees.<sup>2369</sup> The local municipal authorities were in charge of clearing the ruins of the Atik mosque, its adjacent turbe, and of the Krpić mosque.<sup>2370</sup> The Atik Mosque had been broken into, looted, and desecrated on 5 April 1992, before its destruction.<sup>2371</sup> Further, prior to its destruction, the Krpić Mosque was vandalised and smashed by Serb paramilitaries,

<sup>2364</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 77.

<sup>2365</sup> P4163 (Channel Four news report), p. 1.

<sup>2366</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), pp. 1-2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>2367</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), p. 1.

<sup>2368</sup> P2511 (Survey database for expert report of András Riedlmayer).

<sup>2369</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), pp. 1-2

<sup>2370</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), pp. 1-2.

<sup>2371</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), p. 2.

including Arkan's men, in April 1992.<sup>2372</sup> During his July 2002 site visit, the witness observed that only small pieces of building debris, outlining the Selimovići Mosque's foundations, and disturbed soil could be found. When visiting the site of the Dašnica Mosque, he saw an empty field and observed traces of the mosque's foundations among the weeds. On the site of the Krpić Mosque, he observed a large empty lot, levelled and cleared. On the site of the Janjica Mosque, he observed an empty lot, overgrown with weeds. Only one large stone remained next to where the entrance of the mosque used to be and deep ruts, perhaps traces of heavy equipment, could be seen in the ground. The expert witness classified the adjacent buildings as being in good condition.<sup>2373</sup> In addition Riedlmayer also provided evidence on the destruction of other religious buildings in Bijeljina Municipality.<sup>2374</sup>

574. The Trial Chamber notes that Riedlmayer obtained information concerning the dates and, when applicable, the perpetrators of the incidents of destruction from the *Medžlis* of the Islamic Community of Bijeljina, the *Medžlis* of the Islamic Community of Janja, the Imams of the Srednja Trnova mosque and of the Glinja mosque, and a Washington Post article dated 8 May 1993. However, Riedlmayer's report and its annexes, including the database, do not contain information on how his sources obtained their information and, consequently, whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the date and, when applicable, perpetrators of destruction of religious buildings in Bijeljina Municipality.

575. Based on Adjudicated Fact no. 516, the Trial Chamber finds that in the summer of 1992, two mosques were damaged or destroyed in Bijeljina Municipality. However, the Adjudicated Fact does not contain the names of the mosques nor the alleged perpetrators of the destruction or damage caused to these mosques. The Trial Chamber also received evidence from **Witness RM-513** about rumours circulating in Bijeljina about destructions of religious and cultural monuments in the summer 1992 and their perpetrators. However, in light of the fact that the witness is merely repeating rumours, the Trial Chamber will not rely on his evidence with regard to these destructions. The

<sup>2372</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report dated 30 September 2013), p. 2.

<sup>2373</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>2374</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 1-7; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report dated 30

Trial Chamber did not receive any further evidence on destructions in the summer of 1992 in Bijeljina Municipality and is therefore unable to identify the alleged perpetrators of the destruction or damage. Under these circumstances, it will not further consider these incidents in relation to Count 3 of the Indictment.

576. The Trial Chamber further received evidence from Witness RM-513, Riedlmayer and documentary evidence about five mosques (the Atik, Selimovići, Dašnica, Krpić, and Janjica mosques) and the Turbe of Sadik Aga being destroyed. However, Witness RM-513 does not provide a date about these destructions and the Channel Four news report is undated. In addition, for the reasons explained above, the Trial Chamber has not relied on Riedlmayer concerning the date or perpetrators of destruction of the religious buildings in Bijeljina Municipality. Thus, the Trial Chamber is unable to determine when these destructions occurred or their perpetrators and will not further consider these incidents in relation to Count 3 of the Indictment.

#### *4.2.4 Appropriation or plunder of property*

577. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers in Bijeljina Municipality between 12 May 1992 and 30 November 1995.<sup>2375</sup> The Trial Chamber has taken judicial notice of two Adjudicated Facts relating to the alleged plunder in this municipality.<sup>2376</sup> It received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,<sup>2377</sup> and documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.<sup>2378</sup> The Trial Chamber also received evidence from **András Riedlmayer**, a bibliographer and art documentation specialist,<sup>2379</sup> and **Milenko Todorović**, chief of the intelligence and security organ of the IBK from 16 November 1993.<sup>2380</sup> The Adjudicated Facts and most

September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); Andras Riedlmayer, T. 17924.

<sup>2375</sup> Indictment, paras 47, 59(i).

<sup>2376</sup> Adjudicated Facts I, nos 519-520.

<sup>2377</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

<sup>2378</sup> **Witness RM-513**: P1054 (Witness RM-513, witness statement, 25 June 2011), paras 27-28; Witness RM-513, T. 9273-9274. **Documentary evidence**: P3908 (Report from The Humanitarian Law Fund entitled "Bijeljina in black", 15 September 1993), p. 3.

<sup>2379</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>2380</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.

of this evidence have been reviewed in other chapters; the Adjudicated Facts and the evidence of Witness RM-513 and Milenko Todorović, as well as D1974, in chapter 4.2.7; and the evidence of Riedlmayer in chapter 4.2.3.

578. **Riedlmayer** testified that the Catholic Church in Bijeljina was looted and vandalised during the war.<sup>2381</sup> During his 2002 site visit, Riedlmayer observed that the marble steps to the sanctuary were broken and altar goods and church pews were reportedly taken or destroyed.<sup>2382</sup> The rectory was in an advanced state of disrepair.<sup>2383</sup> Riedlmayer classified the adjacent building as being in good condition.<sup>2384</sup>

579. The Trial Chamber first recalls its finding in chapter 4.2.7 that from 12 May 1992 until the beginning of 1993, a private agency called ‘Europa’, staffed by MUP personnel, transported Bosnian Croats and Bosnian Muslims via Serbia to the Hungarian border.<sup>2385</sup> Based on the above, the Trial Chamber finds that many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency (*see also* chapter 4.2.7). The agency would then place Serb refugees into the non-Serb houses. In addition, from 1992 onwards, Vojkan Đurković of the Bijeljina SDS, aided by Mauzer’s men, extorted property from Bosnian Muslims and stripped them of their valuables before they were forced out of the municipality. Đurković and Mauzer’s men looted the Bosnian-Muslim houses. The Trial Chamber will consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

580. The Trial Chamber finds that the building materials of the Janjari Mosque were ripped out of the walls and taken away. Further, the Catholic Church was looted and, in particular, altar goods and church pews were taken away. The Trial Chamber has not received any evidence with regard to perpetrators and dates of these two incidents. Under these circumstances, it will not further consider them in relation to any count of the Indictment.

<sup>2381</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

<sup>2382</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>2383</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>2384</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>2385</sup> The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Bijeljina Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Bijeljina Municipality refers to Bosnian Muslims and Bosnian Croats.

#### 4.2.5 Forced labour and human shields

581. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Bijeljina Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields, between 12 May 1992 and 30 November 1995.<sup>2386</sup> The Defence argued that detainees at the Batković camp performed work exclusively on a voluntary basis.<sup>2387</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.<sup>2388</sup> It also received evidence from **Safet Gagula**, a Bosnian Muslim from Knežina in Sokolac Municipality;<sup>2389</sup> **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;<sup>2390</sup> **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;<sup>2391</sup> **Witness RM-358**, a Bosnian Muslim from Srebrenica Municipality, who joined the TO in April 1992;<sup>2392</sup> **Elvir Pašić**, a Bosnian Muslim from Rogatica;<sup>2393</sup> and **Witness RM-030**, a Bosnian Muslim from Vlasenica,<sup>2394</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2395</sup> The Trial Chamber further received evidence from **Đorđo Krstić**, a Serb deputy warden of the Batković camp from 11 January 1993 to 6 June 1994,<sup>2396</sup> as well as documentary evidence, and finds that this evidence is partially consistent with the Adjudicated Facts.<sup>2397</sup> The Trial Chamber will further discuss this matter below.

<sup>2386</sup> Indictment, paras 39(c), 47, 59(h).

<sup>2387</sup> Defence Final Brief, paras 1636-1637.

<sup>2388</sup> Some of these Adjudicated Facts are reviewed in chapters 4.2.6 and 4.2.7.

<sup>2389</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

<sup>2390</sup> P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

<sup>2391</sup> P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

<sup>2392</sup> P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, p. 1, para. 1, witness statement of 2 October 2013, p. 1, para. 1.

<sup>2393</sup> P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

<sup>2394</sup> P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1.

<sup>2395</sup> **Safet Gagula**: P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 45, 86; Witness RM-088, T. 5349, 5378. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5; P3118 (Jakov Marić, *Brdanin* testimony, 16 October 2002), pp. 10835-10836. **Witness RM-358**: P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), para. 37. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.

<sup>2396</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26345.

<sup>2397</sup> **Đorđo Krstić**: Đorđo Krstić, T. 26367-26368. **Documentary evidence**: P527 (East-Bosnia Corps Instruction, signed by Momčilo Despot, 2 July 1992), para. 7; P3970 (ICRC press communication about 17 detainees from Batković camp killed near the front, 2 April 1993); P3988 (IBK work instruction for the detention camp security organs), pp. 2, 4, 6.

582. Detainees at the Batković camp were forced to perform manual labour daily, including digging trenches and carrying munition at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina.<sup>2398</sup> According to instructions issued on 2 July 1992 by Colonel Momčilo Despot of the IBK Command to the Guards Commander at the Batković ‘POW’ camp, the Commander of Security was responsible for organising security for detainees during forced labour.<sup>2399</sup> One of the detainees, **Witness RM-358** was released from the camp on 24 December 1995.<sup>2400</sup>

583. **Đorđo Krstić** testified that the detainees in the Batković camp were sent to work outside the facility on a voluntary basis.<sup>2401</sup> The shift leader of the guards would ask the representative of the detainees, selected by and from the detainees themselves, for volunteers to perform seasonal work or maintenance work on facilities.<sup>2402</sup> As a rule, there was a surplus of volunteers and only some were selected.<sup>2403</sup> According to the witness, the detainees would volunteer to work because they were provided with food and other supplies at the places, sometimes households, where they worked; because time ‘would pass more quickly for them in this way’, and because sometimes they would be provided with the opportunity to speak to their relatives over the phone, if the person for whom they worked allowed them to do so.<sup>2404</sup> While carrying out work, the detainees were provided with security in order to prevent any attacks on them by ‘irresponsible residents’ or by people who ‘had bad intentions or prejudice against the [detainees]’.<sup>2405</sup>

584. In addition to **Krstić’s** evidence, the Trial Chamber also received documentary evidence that the detainees from Batković camp performed work on a voluntary basis. According to a Channel Four news report, Batković camp detainees, and in particular two Muslims and a Croat, worked at a Bijeljina flourmill without remuneration. The Channel Four reporters were allowed to talk to three detainees, who were hand-picked

<sup>2398</sup> Adjudicated Facts I, no. 512.

<sup>2399</sup> P3988 (Work instructions for the detention camp security organs, 2 July 1992), pp. 2, 6.

<sup>2400</sup> P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.

<sup>2401</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.

<sup>2402</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17; Đorđo Krstić, T. 26343.

<sup>2403</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.

<sup>2404</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17; *see also* Witness RM-088, T. 5377-5379.

<sup>2405</sup> D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.

for them at the mill. One of the three detainees, who was a Muslim, indicated he voluntarily worked at the flourmill where he received better food.<sup>2406</sup>

585. The Trial Chamber also received evidence concerning residents of Bijeljina being forced to work. According to a letter from an international organization to Karadžić dated 16 September 1993, Muslim men in Bijeljina were reportedly taken to carry out forced labour, including the digging of trenches on the front lines and clearing minefields after 11 September 1993.<sup>2407</sup>

586. The Trial Chamber has received *prima facie* contradictory information with respect to whether the detainees from Batković camp performed work on a voluntary basis. Adjudicated Fact number 512 indicates that the detainees were forced to work. Đorđo Krstić testified that the detainees were sent to work outside the facility on a voluntary basis. Also, according to the Channel Four news report, one detainee voluntarily worked at a flourmill in order to receive better food. The Trial Chamber considers however that ‘volunteering for work’ in a detention situation must be seen in light of the conditions of detention. Accordingly, the Trial Chamber finds that the evidence of Krstić and P4163 does not contradict the Adjudicated Facts. In light of the foregoing, the Trial Chamber rejects the Defence’s argument that Batković camp performed work exclusively on a voluntary basis.

587. Based on the foregoing, the Trial Chamber finds that between July 1992 and 30 November 1995, detainees from Batković camp had to perform manual labour, including digging trenches and carrying munition at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina, on a daily basis. The guards at Batković camp were VRS members as found in chapter 4.2.2 *Schedule C.2.1*. In this respect, the Trial Chamber also recalls its findings in chapter 4.2.2 *Schedule C.2.1* concerning the conditions of detention at Batković camp and that the detainees at the camp were predominantly Bosnian Muslim and Bosnian Croat and mostly civilians. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

<sup>2406</sup> P4163 (Channel Four news report), p. 3.

<sup>2407</sup> P6799 (Letter to Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), pp. 1-2.

#### 4.2.6 Imposition and maintenance of restrictive and discriminatory measures

588. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Bijeljina Municipality between 12 May 1992 and 30 November 1995.<sup>2408</sup> The Trial Chamber took judicial notice of one Adjudicated Fact in relation to this charge, stating that in September 1992, the Serb municipal assembly passed a decision that Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work details. Prominent Muslims were forced to perform menial tasks, and those who refused were taken to Batković camp or expelled from the municipality. During the SDS operation, a large number of Muslims fled Bijeljina.<sup>2409</sup>

589. Based on the foregoing, the Trial Chamber finds that in September 1992, the Serb municipal assembly passed a decision that Bosnian Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work detail. However, the Trial Chamber has not received evidence that this decision was implemented and will therefore not further consider this in relation to Count 3 of the Indictment.<sup>2410</sup>

#### 4.2.7 Forcible transfer and deportation

590. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Bijeljina Municipality between 12 May 1992 and 30 November 1995.<sup>2411</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian

<sup>2408</sup> Indictment, paras 39(c), 47, 59(k).

<sup>2409</sup> Adjudicated Facts I, no. 521.

<sup>2410</sup> While the Trial Chamber received evidence on dismissals (*see* P1054 (Witness RM-513, witness statement, 25 June 2011), para. 45), it was unable to conclude from that evidence that such dismissals were a result of the Serb municipal assembly's decision or that they occurred within the temporal scope of the Indictment.

<sup>2411</sup> Indictment, paras 39(c), 47, 59(f), 67-68.



Croats. Others were physically driven out.<sup>2412</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.<sup>2413</sup> It also received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,<sup>2414</sup> and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.<sup>2415</sup> The Trial Chamber further received evidence from **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;<sup>2416</sup> **Milenko Todorović**, chief of the intelligence and security organ of the IBK from 16 November 1993;<sup>2417</sup> **Mirko Perić**, a reserve policeman mobilised into the Bratunac police between 1992 and 1995;<sup>2418</sup> and **Ewa Tabeau**, a demographer and statistician.<sup>2419</sup>

591. **Ewa Tabeau** testified that in 1991, Bijeljina Municipality was 31 per cent Muslim and 59 per cent Serb.<sup>2420</sup> **Witness RM-513** testified that on one occasion in 1992, a private agency called 'Europa' was created and staffed by uniformed MUP personnel to expel non-Serbs and confiscate their property.<sup>2421</sup> The agency transported people for a year or a year-and-a-half.<sup>2422</sup> Many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency, after which the agency would place Serb refugees into the non-Serb houses.<sup>2423</sup> The agency charged 2,000-2,500 DEM per person for leaving Bijeljina by bus, and required that people hand over their passports seven days prior to leaving.<sup>2424</sup> Members of the MUP told the witness that the money would be used to buy equipment and

<sup>2412</sup> Indictment, para. 70.

<sup>2413</sup> Adjudicated Facts I, no. 521 is reviewed in chapter 4.2.6.

<sup>2414</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

<sup>2415</sup> **Witness RM-513**: P1054 (Witness RM-513, witness statement, 25 June 2011), paras 26-28; **Witness RM-513**, T. 9273-9274, 9304-9305. **Documentary evidence**: P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), pp. 2-3; P4163 (Channel Four news report), pp. 1-2.

<sup>2416</sup> P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.

<sup>2417</sup> P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.

<sup>2418</sup> Mirko Perić, T. 34228-34229, 34233.

<sup>2419</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>2420</sup> P2788 (Ewa Tabeau, Demography report, Annex B), p. 25.

<sup>2421</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), paras 13, 24-26, 30; Witness RM-513, T. 9301-9303.

<sup>2422</sup> Witness RM-513, T. 9302-9303.

<sup>2423</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 25; Witness RM-513, T. 9302-9303.

<sup>2424</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 25; Witness RM-513, T. 9302-9303.

uniforms for the MUP.<sup>2425</sup> The agency used only one route to bus people out of the area via Serbia, taking them as far as the Hungarian border.<sup>2426</sup>

592. The Bijeljina SDS compiled a list of names of wealthy Muslims. Aided by Mauzer's men, Vojkan Đurković of the Bijeljina SDS paid visits to those on the list in order to extort property from them. Some of these Muslims initially paid to be able to stay in Bijeljina. Others were detained immediately, stripped of their valuables, and transferred to 'no-man's land' between the warring factions, where they remained, sometimes for days, before being able to cross into Muslim-controlled territory.<sup>2427</sup> The abandoned Muslim houses were looted, and then allocated by Đurković to Serbs upon payment of a fee.<sup>2428</sup> **Witness RM-513** testified that Đurković arranged for non-Serbs to be taken away to the front line near Tuzla, from 1992 onwards.<sup>2429</sup> The witness personally saw Đurković and his gang break into a house in the middle of the night, force people out, and place them into vans while beating and cursing them and looting their jewellery and valuables.<sup>2430</sup> Đurković and his group often operated after the curfew, which began as early as 10 p.m., suggesting to the witness that the authorities were in no way preventing their activities.<sup>2431</sup> Some people also 'voluntarily applied with Đurković and asked to be put on the list' for the safety of their families and for fear of violent crimes being committed against them.<sup>2432</sup> Hundreds of people were expelled by Đurković.<sup>2433</sup> **Milenko Todorović** testified that Đurković was not a member of the VRS.<sup>2434</sup> Đurković had tried to establish contact through certain officers, but the Corps Commander ordered to keep him as far as possible from the tasks and obligations of the VRS.<sup>2435</sup>

593. **Mirko Perić** testified that Serbs and Muslims from Bijeljina started moving out of the municipality at the beginning of the conflict out of fear and concern for their families.<sup>2436</sup>

<sup>2425</sup> Witness RM-513, T. 9302-9303.

<sup>2426</sup> Witness RM-513, T. 9304.

<sup>2427</sup> Adjudicated Facts I, no. 519.

<sup>2428</sup> Adjudicated Facts I, no. 520.

<sup>2429</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 27; Witness RM-513, T. 9273-9274.

<sup>2430</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), paras 27-28; Witness RM-513, T. 9274.

<sup>2431</sup> Witness RM-513, T. 9383-9385.

<sup>2432</sup> Witness RM-513, T. 9275.

<sup>2433</sup> Witness RM-513, T. 9398-9399.

<sup>2434</sup> Milenko Todorović, T. 19841-19842, 19894-19895.

<sup>2435</sup> Milenko Todorović, T. 19842.

<sup>2436</sup> Mirko Perić, T. 34229-34230.

594. According to a report of the Humanitarian Law Fund dated 15 September 1993, between 24 August and 10 September 1993 several groups of people were expelled from Bijeljina against their will.<sup>2437</sup> Expulsions were carried out also after that date.<sup>2438</sup> People were taken to Tuzla or, on two occasions, to the Hungarian border.<sup>2439</sup> According to a prominent private businessman, two VRS soldiers broke into his house on 29 August 1993 and ordered him to pack.<sup>2440</sup> He heard Đurković speaking on a walkie-talkie saying ‘Make them pack and take them away’.<sup>2441</sup>

595. According to a letter sent to Radovan Karadžić dated 16 September 1993, between 4 and 11 September 1993 approximately 400 predominantly Muslim civilians were forcibly expelled from Bijeljina during operations carried out by Bosnian-Serb forces and pushed across front lines to the Tuzla region. Two local communities, Tombak and Zajir, were reported to have been completely emptied of Muslims. Most civilians were expelled at gunpoint and without notice after Bosnian-Serb forces forced their way into their houses and made them leave their keys and sign papers surrendering their property. Others had applied to leave.<sup>2442</sup> They were taken to the agricultural school in Bijeljina, where they were searched and some women were strip-searched, by soldiers under the command of Đurković.<sup>2443</sup> All their money, jewellery, and valuables were taken.<sup>2444</sup> Soldiers reportedly stated that ‘the minorities had no right to exist on “Serb territory”’.<sup>2445</sup> Đurković claimed that these actions were carried out pursuant to Karadžić’s orders.<sup>2446</sup>

<sup>2437</sup> P3908 (Report from The Humanitarian Law Fund entitled ‘Bijeljina in black’, 15 September 1993), p. 1.

<sup>2438</sup> P3908 (Report from The Humanitarian Law Fund entitled ‘Bijeljina in black’, 15 September 1993), p. 1.

<sup>2439</sup> P3908 (Report from The Humanitarian Law Fund entitled ‘Bijeljina in black’, 15 September 1993), p. 2.

<sup>2440</sup> P3908 (Report from The Humanitarian Law Fund entitled ‘Bijeljina in black’, 15 September 1993), p. 3.

<sup>2441</sup> P3908 (Report from The Humanitarian Law Fund entitled ‘Bijeljina in black’, 15 September 1993), p. 3.

<sup>2442</sup> P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 1.

<sup>2443</sup> P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.

<sup>2444</sup> P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.

<sup>2445</sup> P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 1.

<sup>2446</sup> P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.

596. According to an UNPROFOR press statement of 5 September 1994, over 2,400 non-Serbs were expelled from Bijeljina to Tuzla between mid July and 5 September 1994 as part of a ‘deliberate policy of rendering the area ethnically homogeneous’.<sup>2447</sup> Many of the expelled reported systematic practice of ‘forced labour’ as well as ‘severe human rights violations including torture, rape and sexual assault, arbitrary arrest and detention and arbitrary deprivation of property’ in areas from which they had arrived.<sup>2448</sup> Before the issuance of the press statement, UNPROFOR had met Karadžić on 20 August 1994 in Pale, where Karadžić attributed the problem to criminals and undertook to replace the Chief of Police.<sup>2449</sup> Nevertheless, the number of ‘refugees’ increased in August and September.<sup>2450</sup> An UNPROFOR code cable of 6 September 1994 reported that over 2,000 people were ‘forced’ to leave the Bijeljina area between 18 August and 4 September 1994.<sup>2451</sup>

597. On 20 September 1994, UNPROFOR informed Karadžić that ‘within the past few days’ over 2,500 Muslim civilians had been ‘forcefully expelled’ from the area of Bijeljina and Janja.<sup>2452</sup> Bosnian-Serb authorities under the command of Karadžić separated able-bodied males from their families and detained them.<sup>2453</sup> In addition, criminals led by a man known as ‘Vojkan’ took significant amounts of money from the people who were leaving.<sup>2454</sup> Similarly, departures continued onwards from the Banja Luka area to Croatia, with some 700 people who arrived in Central Bosnia on 17 September 1994.<sup>2455</sup>

598. Karadžić was approached by the UNHCR on 5 September 1994 *via* letter and urged to take immediate action to provide proper protection to the minorities in the areas under his control.<sup>2456</sup> The letter stated that in the month of September 1994 alone,

<sup>2447</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 2.

<sup>2448</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 2.

<sup>2449</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 1.

<sup>2450</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), pp. 1-2.

<sup>2451</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), pp. 1-2.

<sup>2452</sup> P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.

<sup>2453</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3; P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.

<sup>2454</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3; P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.

<sup>2455</sup> P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.

<sup>2456</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3.

over 1,300 members of the minority communities in Bijeljina and Janja as well as 1,000 people from the Banja Luka area were ‘forced’ to leave their homes.<sup>2457</sup>

599. **Anthony Banbury** testified that the Bosnian Serbs were continuing their practice of expelling non-Serbs in August 1994, as evidenced by the arrival on 24 August 1994 of 187 Muslims in Tuzla from Bijeljina.<sup>2458</sup> On 3 September 1994, about 1,000 non-Serbs crossed the confrontation line from the Bijeljina area into Tuzla.<sup>2459</sup> On 7 September, another 150-200 non-Serbs came from Bijeljina to Tuzla and on 8 September yet another 1,000.<sup>2460</sup> **Witness RM-513** confirmed that there was a large, organized expulsion of Muslims from Bijeljina in September 1994, of more than 2,500 people.<sup>2461</sup> An UNPROFOR report on the situation in Bosnia-Herzegovina during the week of 9-15 April 1995 recorded that 90 Muslims had been expelled from Serb-controlled territory around Bijeljina by Vojkan Đurković.<sup>2462</sup>

600. According to a letter by Dragan Andan, Head of CSB Bijeljina of 29 July 1992, while the new organs of the government were being established in Bijeljina, many paramilitary groups, including the Serbian Volunteer Guard, established a parallel authority of their own.<sup>2463</sup> Members of the Serbian Volunteer Guard pretended to be instructors and entered the SJB, where they engaged in abuse and flagrant violation of the law on a massive scale.<sup>2464</sup> Until 27 June 1992, there were frequent cases of terrorizing the population, both Muslims and Serbs, through rapes, thefts of property and foreign currency, unauthorized invasions of houses and removal of appliances, gold, artworks, and other items.<sup>2465</sup> There were also frequent instances of appropriation of houses and flats, which included the physical expulsion or liquidation of the owners.<sup>2466</sup> Between 1 April and 27 June 1992, more than ten people of various ethnic origins were liquidated.<sup>2467</sup> All these cases remained unsolved and not a single criminal report was

<sup>2457</sup> P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3.

<sup>2458</sup> P874 (Anthony Banbury, witness statement, 19 May 2009), paras 44, 48-49; P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), para. 9.

<sup>2459</sup> P874 (Anthony Banbury, witness statement, 19 May 2009), para. 60; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 5.

<sup>2460</sup> P874 (Anthony Banbury, witness statement, 19 May 2009), para. 60; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), paras 5-6.

<sup>2461</sup> P1054 (Witness RM-513, witness statement, 25 June 2011), para. 37; P1055 (ICRC press report 19 September 1994).

<sup>2462</sup> P883 (Political assessment of Bosnia-Herzegovina for 9-15 April 1995, 16 April 1995), para. 19.

<sup>2463</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2464</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2465</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2466</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2467</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

made regarding these murders.<sup>2468</sup> As a result of this pressure and terrorization by paramilitary groups, both Muslims and Serbs departed from the Bijeljina area.<sup>2469</sup> To deal with this situation, the Bosnian-Serb Government sent an expert team of inspectors to the Bijeljina CSB, consisting of, in part, a special MUP unit.<sup>2470</sup> The team arrived on 27 June 1992 and began documenting instances of the legalization and registration of stolen cars and instances of passports, driver's licenses, and gun licenses being issued to people who did not meet the minimum requirements for possessing them.<sup>2471</sup> The team also documented instances of the illegal seizure and dismissal from the Public Security Station of criminally prosecuted persons, and people whom the service was investigating in connection with committed criminal offences.<sup>2472</sup> Furthermore, the team discovered a prison where paramilitary groups used to store stolen electrical goods, cars, food, and other products.<sup>2473</sup> The team set up check points and established patrol zones.<sup>2474</sup> Individuals who had engaged in illegal activities were dismissed from the Bijeljina Public Security Station.<sup>2475</sup> The remaining police was restructured.<sup>2476</sup> On 2 August 1992, Karadžić handwrote a reply under a letter from Andan, encouraging Andan to keep enforcing order and the rule of law.<sup>2477</sup>

601. Based on the foregoing, the Trial Chamber finds that at the beginning of the conflict a number of people, Serbs and Muslims, left the municipality out of fear for their families. Starting in the summer of 1992 and until 1995, Vojkan Đurković of the SDS, aided by Mauzer's men, transferred thousands of Muslim civilians to 'no-man's land' between the front lines. Some asked Đurković to transport them away out of fear of violent crimes being committed against them. During this time, other Muslims also fled Bijeljina on their own. In some instances, the transfers were preceded by Đurković breaking into houses in the middle of the night and placing Muslims in vans while beating and cursing them. The perpetrators stated that 'the minorities had no right to exist on "Serb territory"'.

<sup>2468</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2469</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 2.

<sup>2470</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 3.

<sup>2471</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 3.

<sup>2472</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 3.

<sup>2473</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 3.

<sup>2474</sup> D1974 (Letter to Karadžić, 29 July 1992), pp. 3-4.

<sup>2475</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 4.

<sup>2476</sup> D1974 (Letter to Karadžić, 29 July 1992), p. 4.

<sup>2477</sup> D1974 (Letter to Karadžić, 29 July 1992), pp. 1, 5.

602. In parallel, in 1992 and 1993, a private agency called 'Europa', staffed by MUP personnel, transported non-Serbs via Serbia to the Hungarian border. Considering the ethnic composition of the municipality, the Trial Chamber finds that almost all of the non-Serbs were Bosnian Muslims. Many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency (*see also* chapter 4.2.4). The Defence argued that this private agency was organized for both Bosnian Serbs and Bosnian Muslims, but did not provide any reference to any evidence supporting this.<sup>2478</sup> The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8, below.

<sup>2478</sup> Defence Final Brief, para. 1626.

### 4.3 Foča Municipality

#### 4.3.1 Murder

##### *Schedule A.2.1*

603. According to the Indictment, the Accused is responsible for the killing of a number of people hiding in the woods near Mješaja/Trošanj in Foča Municipality in early July 1992.<sup>2479</sup> The Trial Chamber notes that the Prosecution, in its Final Trial Brief, made more specific submissions on Scheduled Incident A.2.1 insofar as it submits that: '[o]n 3 July 1992, TG Foča soldiers, including G. Jankovič and R. Kovač (under B. Cosović) attacked Muslim villagers in Mješaja/Trošanj, where weapons had been surrendered earlier', that 'three villagers [were] killed during the attack' and that '[a]fter the attack, others [were] killed, beaten, abused, arrested and detained'.<sup>2480</sup> The Defence submitted that Scheduled Incident A.2.1 fails to specify which crimes are alleged in this charge.<sup>2481</sup> The Trial Chamber notes that in the Indictment, Scheduled Incident A.2.1 is limited to the killings of people hiding in the woods near Mješaja/Trošanj. The Indictment is, however, not limited to the Scheduled Incidents.<sup>2482</sup> Accordingly the Trial Chamber has not disregarded evidence which might fall outside the scope of Scheduled Incident A.2.1, and has dealt with all evidence of killing related to the attack on Mješaja/Trošanj. The Trial Chamber took judicial notice of a number of Adjudicated facts in relation to this incident. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,<sup>2483</sup> and **Ewa Tabeau**, a demographer and statistician,<sup>2484</sup> as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.<sup>2485</sup>

<sup>2479</sup> Indictment, paras 39(a)(i), 47, 59(a)(i), 62(a), Schedule A.2.1.

<sup>2480</sup> Prosecution Final Brief, Annex B, p. 6.

<sup>2481</sup> Defence Final Brief, para. 1040.

<sup>2482</sup> Further on this issue, see Appendix B.

<sup>2483</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>2484</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>2485</sup> **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), paras 9, 12-14, 22-23, 25; P2423 (Witness RM-070, prior testimony), pp. 1376-1381, 1384-1385; Witness RM-070, T. 17634-17638, 17659, 17662. **Ewa Tabeau and forensic documentary evidence**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 1-6; P4642 (Sarajevo Cantonal Court record of exhumation and identification, 2 July 2001); P5284 (Record of identification for Sifet Čolo, 30 July 2001); P5285 (Autopsy report for Sifet Čolo, 25 July 2001); P5286 (Record of identification for Armin Pekaz, 30 July 2001); P5287 (Autopsy report for Armin Pekaz, 25 July 2001); P5288 (Record of identification for Zijad Barlov, 30 July 2001); P5289 (Autopsy report for Zijad Barlov, 25 July 2001); P5290 (Record of identification for Meho Barlov, 30 July 2001); P5291 (Autopsy report for Meho Barlov, 25 July 2001); P5292 (Record of identification for Husein Barlov, 30 July 2001); P5293 (Autopsy report for Husein Barlov, 25 July 2001); P5294 (Identification report for Adem Čolo, 30 July 2001);



604. On 24 April 1992, an agreement was reached between the Muslim representatives of the village of Trošanj and the civilian authorities of the Serb municipality of Foča and the military authorities, stating, *inter alia*, that all weapons, whether legal or illegal, owned by the Muslims in the area of the village of Trošanj were to be surrendered and taken over by the representatives of the units of the TO of the Serb municipality of Foča.<sup>2486</sup> **Witness RM-070** testified having heard at the end of May or in the beginning of June 1992, that the ‘Serbs’ demanded the villagers of Mješaja/Trošanj to handover their weapons and that, while Witness-RM-070’s family did not have any weapons, other villagers complied.<sup>2487</sup>

605. In early July 1992, local Serb soldiers, including Gojko Janković and Radomir Kovač, attacked the Muslim village of Mješaja/Trošanj.<sup>2488</sup> At the time of the attack, some Muslim villagers in Trošanj continued living in their houses but would sleep in the woods at night and only return to their homes during daytime.<sup>2489</sup> **Witness RM-070** testified that there were no Muslim soldiers in Mješaja/Trošanj in June and July 1992.<sup>2490</sup> Three villagers were killed during the attack.<sup>2491</sup> **Witness RM-070** testified that one of them was Izet Čolo, a member of the civilian protection and the only one armed in the group, who returned fire and was killed.<sup>2492</sup> Salima Pekaz and Fadila Odobašić, who was carrying a three-year-old baby at the time, were also killed, while five or six people were wounded.<sup>2493</sup> The villagers begged the soldiers to stop the shooting and promised to surrender because of the many children among them.<sup>2494</sup> The villagers, consisting of a group of about 50 Muslims, were violently forced towards a meadow and another two male villagers were severely mistreated.<sup>2495</sup> Serb soldiers hit

P5295 (Autopsy report for Adem Čolo, 25 July 2001); P5296 (Record of identification for Mujo Pekaz, 30 July 2001); P5297 (Autopsy report for Mujo Pekaz, 25 July 2001); P5298 (Sarajevo Cantonal Court record of the exhumation and identification for Selima Pekaz, 2 July 2001); P5299 (Record of identification for Selima Pekaz, 30 July 2001); P5300 (Autopsy report for Selima Pekaz, 25 July 2001); P5301 (Record of identification for Izet Čolo, 26 March 2002); P5302 (Record of identification for Fadila Odobašić, 2 November 2006).

<sup>2486</sup> D576 (Agreement between Muslim Representatives of Trošanj and the civilian and military Serb authorities in Foča, 24 April 1992).

<sup>2487</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 8; P2423 (Witness RM-070, prior testimony), pp. 1374-1375; Witness RM-070, T.17635-17636.

<sup>2488</sup> Adjudicated Facts I, no. 560.

<sup>2489</sup> Adjudicated Facts I, no. 558.

<sup>2490</sup> Witness RM-070, T. 17633

<sup>2491</sup> Adjudicated Facts I, no. 560.

<sup>2492</sup> Witness RM-070, T. 17635-17636.

<sup>2493</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 10-11; P2423 (Witness RM-070, prior testimony), pp. 1377-1379; Witness RM-070, T. 17638, 17661, 17664-17665.

<sup>2494</sup> P2423 (Witness RM-070, prior testimony), p. 1378.

<sup>2495</sup> Adjudicated Facts I, no. 561.

the villagers with rifle butts and tree branches, kicking them, and calling them ‘*Ustašas*’.<sup>2496</sup> **Witness RM-070** testified that the villagers were also called ‘*Balijas*’.<sup>2497</sup> One of the Muslims lost an eye as a result of the brutal beating.<sup>2498</sup> After about half an hour the soldiers heard over their radios that they were not supposed to do anything until they received specific orders.<sup>2499</sup> At the meadow, the soldiers separated the men from the women and the women were chased down a hill towards the village of Trošanj.<sup>2500</sup> Seven detained men were killed.<sup>2501</sup> **Witness RM-070** testified that her father later told her that he saw all of the men’s dead bodies when he returned to the meadow: Husein Barlov, Zijad Barlov, Meho Barlov, Sifet Čolo, Adem Čolo, Armin Pekaz, and Mujo Pekaz.<sup>2502</sup> According to forensic evidence, six of them were found in civilian clothing and one in clothing partly resembling military clothing.<sup>2503</sup>

606. **Witness RM-070** testified that among the Serb soldiers that day were Janko Janjić (a.k.a. ‘Tuta’), Gojko Janković, Slavo Ivanović (a.k.a. ‘Jazavac’), Radimir Kovač (a.k.a. ‘Klamfa’), Dragan Zelenović (a.k.a. ‘Zelja’), and Vicko Miletić, whom the witness was able to identify since she knew them all, except Kovač, from before the war.<sup>2504</sup> The witness assumed that Gojko Janković was leading the group since she overheard him giving orders on the radio and the soldiers referred to him as ‘major’.<sup>2505</sup> She later learnt that Janko Janjić and Radimir Kovač also held superior positions.<sup>2506</sup>

<sup>2496</sup> Adjudicated Facts I, no. 562.

<sup>2497</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 12; P2423 (Witness RM-070, prior testimony), pp. 1378-1379, 1381; Witness RM-070, T. 17637.

<sup>2498</sup> Adjudicated Facts I, no. 562.

<sup>2499</sup> P2423 (Witness RM-070, prior testimony), p. 1381; Witness RM-070, T. 17637.

<sup>2500</sup> Adjudicated Facts I, no. 563.

<sup>2501</sup> Adjudicated Facts I, no. 563.

<sup>2502</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 22; P2423 (Witness RM-070, prior testimony), p. 1385; Witness RM-070, T. 17657; P2424 (Proof of death chart listing victims of the attack on Mješaja/Trošanj, 29 September 2013).

<sup>2503</sup> P5284 (Record of identification for Sifet Čolo, 30 July 2001); P5285 (Autopsy report for Sifet Čolo, 25 July 2001), p. 1; P5286 (Record of identification for Armin Pekaz, 30 July 2001); P5287 (Autopsy report for Armin Pekaz, 25 July 2001), p. 1; P5288 (Record of identification for Zijad Barlov, 30 July 2001); P5289 (Autopsy report for Zijad Barlov, 25 July 2001), p. 1; P5290 (Record of identification for Meho Barlov, 30 July 2001); P5291 (Autopsy report for Meho Barlov, 25 July 2001), p. 1; P5292 (Record of identification for Husein Barlov, 30 July 2001); P5293 (Autopsy report for Husein Barlov, 25 July 2001), p. 1; P5294 (Identification report for Adem Čolo, 30 July 2001); P5295 (Autopsy report for Adem Čolo, 25 July 2001), p. 1; P5296 (Record of identification for Mujo Pekaz, 30 July 2001); P5297 (Autopsy report for Mujo Pekaz, 25 July 2001), p. 1; P5299 (Record of identification for Selima Pekaz, 30 July 2001); P5300 (Autopsy report for Selima Pekaz, 25 July 2001), p. 1; P5301 (Record of identification for Izet Čolo, 26 March 2002).

<sup>2504</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 13-14; P2423 (Witness RM-070, prior testimony), pp. 1381-1383.

<sup>2505</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 14; P2423 (Witness RM-070, prior testimony), p. 1384; Witness RM-070, T. 17637-17638.

<sup>2506</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 14.

607. Based on the foregoing, the Trial Chamber finds that in early July 1992 local Serb soldiers, led by Gojko Janković and including Radomir Kovač a.k.a. Klamfa, Janko Janjić a.k.a. Tuta, Slavo Ivanović a.k.a. Jazavac, Dragan Zelenović a.k.a. Zelja, and Vicko Miletić attacked the Bosnian-Muslim village of Mješaja/Trošanj. There were no Bosnian-Muslim soldiers in the village and only one man had a weapon. Izet Čolo, who was dressed in civilian clothes and a member of the civilian protection, returned fire and was killed. Two female villagers were also killed during the attack. One of these women was carrying a three-year-old child when she was shot. A group of Bosnian-Muslim villagers fled into the woods and were forced towards a meadow while being beaten with rifle butts and tree branches, kicked and called ‘*Ustašas*’ and ‘*Balijas*’. One of the Bosnian Muslims lost an eye as a result of the brutal beating. At the meadow, the local Serb soldiers separated the men from the women and chased the women down a hill towards the village of Trošanj. The soldiers then shot and killed seven Bosnian-Muslim men. Six wore civilian clothing. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković and Janko Janjić, a.k.a. Tuta, headed their own sub-units under Marko Kovač, Commander of the Foča TG. Radomir Kovač a.k.a. Klamfa and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Čosović respectively. Brane Čosović also headed a unit subordinated to Marko Kovač. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

#### *Schedule B.5.1*

608. According to the Indictment, the Accused is responsible for the killing of over 200 Bosnian Croat and Bosnian Muslim detainees at KP Dom Foča between June and December 1992.<sup>2507</sup> The Defence argued, *inter alia*, that even if deaths occurred at KP Dom, no reliable evidence demonstrates a connection with the Accused.<sup>2508</sup> Scheduled Incident B.5.1 is limited to killings between June and December 1992 at KP Dom. The Indictment is, however, not limited to the Scheduled Incidents.<sup>2509</sup> Accordingly, the Trial Chamber has not disregarded evidence which might fall outside the scope of Scheduled Incident B.5.1, and has dealt below with all evidence of killings related to

<sup>2507</sup> Indictment, paras 39(a)(ii), 47, 53, 59(a)(ii), 62(b), Schedule B.5.1.

<sup>2508</sup> Defence Final Brief, para. 1539.

<sup>2509</sup> Further on this issue, *see* Appendix B.

KP Dom.<sup>2510</sup> The Trial Chamber took judicial notice of Adjudicated Facts in relation to these incidents. It also received evidence from **Witness RM-013**, **Witness RM-046**, **Witness RM-063**, **Witness RM-012**, and **Witness RM-086**, all Bosnian Muslims from Foča detained at KP Dom;<sup>2511</sup> as well as **Ewa Tabeau**, a demographer and statistician,<sup>2512</sup> and finds that this evidence does not rebut the Adjudicated Facts.<sup>2513</sup> The Trial Chamber also received evidence from **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992,<sup>2514</sup> and **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality.<sup>2515</sup> A description of KP Dom, including the authorities in charge and alleged incidents other than the alleged killing incidents described below, appears in chapter 4.3.2 *Schedule C.6.I*.

609. During the months of June and July 1992, KP Dom guards went to the rooms of the detainees after the roll call and called out from a list the names of individuals to

<sup>2510</sup> Killings unrelated to KP Dom, e.g. those having taken place at other detention facilities, are dealt with in other sections in this chapter.

<sup>2511</sup> P982 (Witness RM-013, witness statement, 22 October 1995), p. 1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1; P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012); P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1; P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1; P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2.

<sup>2512</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>2513</sup> **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), paras 19, 35-45, 47; P983 (Witness RM-013, witness statement, 20 May 1996), paras 10, 13-15, 17-19; P984 (Corrections to witness statements of Witness RM-013), paras 3-4; Witness RM-013, T. 8901-8902, 8946-8955, 8963, 8968-8969; P986 (Photograph of Room 11 in KP Dom); P987 (Chart containing Witness RM-013's Comments Regarding Names from KP Dom, 18 February 2013), pp. 1-2. **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 6-8; P739 (Witness RM-046, witness statement, 20 October 1998), p. 4; Witness RM-046, T. 7015-7018; P741 (ICTY Information report of Witness RM-046, 19 December 2012), pp. 1, 3; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 4, 7, 9, 15-16, 22, 31. **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 6-7; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; Witness RM-063, T. 5430-5431, 5434, 5442; P535 (List of names and Witness RM-063 comments, 19 November 2012), pp. 1-3; P536 (List of detainees at Foča KP Dom to be exchanged, signed by Milenko Vuković and approved by M. Kovač, 30 October 1992), p. 1. **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 3-4; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 2-3. **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 9-10, 12-13; P2934 (Witness RM-086, *Krmojelac* transcript, 19 March 2001), pp. 4085-4086. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), pp. 3-4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 23, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 318-387; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014. The Trial Chamber considered minor inconsistencies between witness accounts or between evidence and the Adjudicated Facts in relation to when and where specific individuals died and finds that those inconsistencies do not affect the overall finding on the charge.

<sup>2514</sup> P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

accompany them for interrogations.<sup>2516</sup> They were taken into one of the rooms near the staircase, or into a room which was situated in the left wing of the administration building, or the next room, where they were often beaten.<sup>2517</sup> The beatings lasted well into the evening and the sounds of the beatings and the screams of the victims could be heard by other detainees at KP Dom.<sup>2518</sup> When the beatings stopped, victims were sometimes taken to an isolation cell.<sup>2519</sup> In other instances, the sound of pistol shots was heard.<sup>2520</sup> During and after the beatings, guards of KP Dom were seen carrying blankets into the administration building and removing what appeared to be bodies in those blankets.<sup>2521</sup> Blood and bloodied instruments were seen in the rooms where the beatings occurred.<sup>2522</sup> The guards of KP Dom participated with the military in the killing of detainees at KP Dom.<sup>2523</sup>

610. Specifically, between 28 June and 5 July 1992, Serb guards murdered 36 Muslims from the Foča area at KP Dom.<sup>2524</sup> Some died as a result of the acts of members of the military coming from outside into KP Dom and of the guards of KP Dom.<sup>2525</sup> On one occasion, some detainees were called out of their rooms as a group and taken to the administration building and severely beaten by KP Dom guards including Milenko Burilo, Zoran Matović, Dragomir Obrenović, Rade Vuković, and Pedrag Stefanović.<sup>2526</sup> According to **Witness RM-013**, Dragan Masić was also among the guards who beat these detainees.<sup>2527</sup> According to **Witness RM-012**, the guard he believed to have been responsible that night for taking out the detainees was called Milić.<sup>2528</sup> When the sounds of the beatings died down, several detainees heard shots being fired and a person saw Matović leaving the administration building and coming

<sup>2515</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2.

<sup>2516</sup> Adjudicated Facts I, no. 683.

<sup>2517</sup> Adjudicated Facts I, no. 684.

<sup>2518</sup> Adjudicated Facts I, no. 685.

<sup>2519</sup> Adjudicated Facts I, no. 686.

<sup>2520</sup> Adjudicated Facts I, no. 686.

<sup>2521</sup> Adjudicated Facts I, no. 687.

<sup>2522</sup> Adjudicated Facts I, no. 688.

<sup>2523</sup> Adjudicated Facts I, no. 689.

<sup>2524</sup> Adjudicated Facts I, no. 707.

<sup>2525</sup> Adjudicated Facts I, no. 690. These were Alija Altoka, Hamid 'Salem' Bico, Abdurahman Čankušić, Refik Čankušić, Elvedin 'Enko' Cedić, Kemal Dželilović, Ramo Džendusić, Adil Granov, Mate Ivančić, Esad Kiselica, Halim Konjo, Adil Krajčin, Mustafa Kuloglija, Fuad Mandžo, Krunoslav Marinović, Nurko Nisić, Hamid Ramović, Husein Rikalo, Mithat Rikalo, Zaim Rikalo, Ševal Šoro, Kemal Tulek, Enes Uzunović, Džemal Vahida, Munib Veiz, and Zulfo Veiz.

<sup>2526</sup> Adjudicated Facts I, no. 691. These were Kemo or Kemal Dželilović, Halim Konjo, Mustafa Kuloglija, Mithat and Zaim Rikalo, and Munib Veiz.

<sup>2527</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 39; P983 (Witness RM-013, witness statement, 20 May 1996), para. 18.

back carrying blankets. Shortly thereafter, this person heard a vehicle leaving KP Dom. When the vehicle came back 10 or 15 minutes later, he saw men in green-grey uniforms cleaning it with buckets and mops. None of the detainees ever returned, nor were they ever heard of again.<sup>2529</sup>

611. **Witness RM-046** testified that from approximately 23 April 1992 until 8 August 1992 several people were taken out of his room and killed.<sup>2530</sup> Specifically, from 13 to 30 June 1992, the witness counted 35 people being taken out of the detention rooms, all of whom went missing.<sup>2531</sup> In June or July 1992, brothers Halim and Halid Konjo were killed and a person called Ismet Čaušević was killed between May and August 1992.<sup>2532</sup> **Witness RM-063** saw Omer Mujezinović dying a few hours after he had been beaten severely by KP Dom guard Milenko 'Buši' Burilo.<sup>2533</sup> One detainee hanged himself and another detainee died after guards had beaten him.<sup>2534</sup>

612. Besides those mentioned above, **Witness RM-013** named the following guards as having been involved in killing incidents at the detention centre: Milenko Vladičić, Vlatko Pljevaljčić, Vitomir Mičević, Risto Matović, Nevenko Blagojević, Cvijetin Krunić, Jovo Savić, Rade Papović, Mičo Bogdanić a.k.a. Roko, Milomir Marić, Zoran Vuković, Momir Ristanović, Milivoje Milutinović, Milivoje Milić, Dragan Masić, Milovan Vuković, and Milenko Elčić a.k.a. Keli.<sup>2535</sup>

613. During the summer and fall of 1992, there were also several detainees taken out of KP Dom and never seen again.<sup>2536</sup> Many of the detainees alleged to have been

<sup>2528</sup> P3156 (Witness RM-012, witness statement, 13 June 1996), p. 3.

<sup>2529</sup> Adjudicated Facts I, no. 692.

<sup>2530</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 5; P741 (ICTY Information report of Witness RM-046, 19 December 2012), p. 3; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 1-3, 6.

<sup>2531</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 6; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 4, 6, 8-10, 12-14, 16, 19-20, 23-24, 44.

<sup>2532</sup> P741 (ICTY Information report of Witness RM-046, 19 December 2012), pp. 3-4; P744 (List of people who are taken for release from Foča KP Dom because of their health situations and their ages, 7 May 1992); P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 11-12.

<sup>2533</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 6.

<sup>2534</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 6; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3.

<sup>2535</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 44. With regard to Vitomir Mičević, see also P531 (Witness RM-063, witness statement, 10 February 1996), p. 6; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3.

<sup>2536</sup> Adjudicated Facts I, nos 695-700. These included Mensud Pašović (summer), Ševal Šoro, Haso Selimović (June 1992), Neško Rikalo (late June or early July 1992), Rasim Kajgana (September 1992), and Azim Mesbur (September 1992).

murdered at KP Dom had been subject to earlier beatings or acts of torture. After their release, many other detainees made contact with the families of the victims. The families informed them that they had received no contact from those alleged to have been murdered, and they had been unable to trace the victims.<sup>2537</sup> Many detainees taken out of KP Dom for exchange simply disappeared.<sup>2538</sup>

614. The Trial Chamber will review the evidence and Adjudicated Facts of a number of such incidents in chronological order. During his detention, in June and July 1992, Adnan Granov was repeatedly beaten by unidentified individuals, KP Dom guards, and/or soldiers from outside KP Dom, including military policemen, on the ground floor of the administration building.<sup>2539</sup> He was accused of having travelled to Germany before the war to obtain weapons and of having illegally transmitted radio messages.<sup>2540</sup> Granov was eventually taken away and disappeared.<sup>2541</sup>

615. **Maida Čedić** stated that at 9:30 p.m. on 22 June 1992 all 15 adult men living in Trnovača were taken to KP Dom.<sup>2542</sup> She later learned from a statement by Esad Mujanović on Radio Sarajevo that all men except Mujanović, who had jumped in the river, had been taken to the bridge over the Drina River and killed.<sup>2543</sup>

616. **Witness RM-019** testified that he was told in July 1992, that a truck driver drove 40 detainees out of the Foča prison to a location at Kremenik, about 25 kilometres south of Foča.<sup>2544</sup> At this location, Milenko Živanović (known as Žuti), Dragan Zelenović (known as Zelja), Gojko Janković, Predrag Trivun, Miško Savić, Miško Rašković, Zoran Samardžić, and a person known as Sarajlija, executed around half of the detainees and buried them there.<sup>2545</sup> The truck driver knew most of the victims.<sup>2546</sup> A hunter later told the witness that the remaining detainees were executed on the road leading to Čelebići.<sup>2547</sup> According to the witness, Krnojelac, the Prison Director of Foča,

<sup>2537</sup> Adjudicated Facts I, no. 704.

<sup>2538</sup> Adjudicated Facts I, no. 705.

<sup>2539</sup> Adjudicated Facts I, no. 693.

<sup>2540</sup> Adjudicated Facts I, no. 693.

<sup>2541</sup> Adjudicated Facts I, no. 694.

<sup>2542</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 3.

<sup>2543</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.

<sup>2544</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5711-5712, 5714. Based on the context, the Trial Chamber understood the term 'Foča prison' to be a reference to Foča KP Dom.

<sup>2545</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5689, 5709, 5711-5712.

<sup>2546</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 36-37.

<sup>2547</sup> Witness RM-019, T. 5689, 5709, 5717.

had these prisoners executed as revenge for a landmine incident in which his son was badly injured.<sup>2548</sup> The witness was told that Krnojelac was contacted after the incident and asked to cover the bodies with soil to help disguise the smell of decay.<sup>2549</sup> The witness was also told about the identity of the perpetrators and the burial of the victims.<sup>2550</sup> The witness overheard radio communications, two days after the incident, between Krnojelac and Kovač, during which Krnojelac told Kovač to get a machine to cover ‘that dirt’, and Kovač responded it would be done soon.<sup>2551</sup> A few days later, the witness was told that Neđo Samardžić had gone to the incident site to cover the bodies with a military bulldozer.<sup>2552</sup> Later, the witness was shown the location of the mass grave, which was marked by a *nišan* (a Muslim grave symbol).<sup>2553</sup> In 2003, an investigator told the witness that ten or eleven bodies had been exhumed from a Kremenik site.<sup>2554</sup>

617. According to **Witness RM-086**, one detainee, Edhem Gradišić, was a physically disabled man who also had epilepsy.<sup>2555</sup> On one occasion, Gradišić was beaten and taken into solitary confinement.<sup>2556</sup> In July or August 1992, Gradišić was taken to the gate and did not return.<sup>2557</sup> **Witness RM-046** remembered that on 2 August 1992 Adil Krajčin and the brothers Hajrudin and Elmedin Džanko were taken out of KP Dom; the remains of Krajčin were later exhumed from a mass grave, while the Džanko brothers were never seen again.<sup>2558</sup> On 29 or 30 August 1992, a group of 90 people was taken out and killed.<sup>2559</sup> Mehmed Sofradžija was taken out of KP Dom and killed in August or September 1992.<sup>2560</sup> During a weekend in August 1992, **Witness RM-063** saw some

<sup>2548</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 26, 36.

<sup>2549</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5712, 5760.

<sup>2550</sup> Witness RM-019, T. 5710-5712.

<sup>2551</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 40-42.

<sup>2552</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 43.

<sup>2553</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5715, 5758.

<sup>2554</sup> Witness RM-019, T. 5716.

<sup>2555</sup> P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4088-4089.

<sup>2556</sup> P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4090, 4092.

<sup>2557</sup> P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4092.

<sup>2558</sup> P741 (ICTY Information report of Witness RM-046, 19 December 2012), p. 3; P742 (Prosecution Information report listing corrections to prior statements of Witness RM-046, 18 January 2013), p. 1; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 12, 27.

<sup>2559</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 5, 17.

<sup>2560</sup> P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), p. 40.



200 detainees being taken away from KP Dom in groups and noted that they never returned.<sup>2561</sup>

618. On at least one occasion, detainees were taken across a national border. A group of approximately 55 men were taken for exchange in Montenegro around 30 August 1992, but Pero Elez, a Bosnian-Serb soldier, intercepted the bus on which they were being transported in Nikšić, Montenegro, sending the group back to KP Dom. The group was then divided in two with approximately 20 younger men being taken away, possibly to Goražde and never seen again. The remaining group of 35 men was taken to be exchanged in Rožaj in Montenegro.<sup>2562</sup> **Witness RM-086** also gave evidence about this incident. He stated that on 30 August 1992, Mitar Rasević and Obren Obrenović arrived at KP Dom and said that Karadžić had authorised the exchange of 55 of the men detained at KP Dom.<sup>2563</sup> Obrenović said '[y]ou are going home. You have been pardoned by Radovan Karadžić, and you are going to free territory'.<sup>2564</sup> The following day, two buses arrived and took one group for exchange to Rozaje, however many men from the second bus went missing.<sup>2565</sup> In the period between 30 August and 15 September 1992, several other groups were taken out for exchange, and 87 detainees went missing.<sup>2566</sup>

619. Around 17 or 18 September 1992, between 35 and 60 detainees were taken out of KP Dom in two groups, having been told that they were going to pick plums.<sup>2567</sup> Detainees were first asked to volunteer for plum-picking duty, but KP Dom guards eventually selected detainees according to a list.<sup>2568</sup> Those selected for the job were told by the guards not to take their belongings.<sup>2569</sup> Detainees who were taken away for plum picking did not return to KP Dom and were never seen again.<sup>2570</sup> The bodies of two of those detainees, Murat Crneta and Halid Konjo, were later discovered close to the Goražde frontline near Previla in Bosnia-Herzegovina in a mass grave.<sup>2571</sup> According to **Witness RM-086**, Vlatko Pljevaljčić was the one who had taken the men out and he

<sup>2561</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 7.

<sup>2562</sup> Adjudicated Facts I, no. 706.

<sup>2563</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13.

<sup>2564</sup> P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4095.

<sup>2565</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4095-4096.

<sup>2566</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13.

<sup>2567</sup> Adjudicated Facts I, no. 701.

<sup>2568</sup> Adjudicated Facts I, no. 701.

<sup>2569</sup> Adjudicated Facts I, no. 702.

<sup>2570</sup> Adjudicated Facts I, no. 702.

told them that they were supposed to do a 'very difficult job' and should not take any personal belongings.<sup>2572</sup> The witness was later told that the body of one of these men was found in Poljice village near Jeleč.<sup>2573</sup> **Witness RM-063** also learnt that the dead bodies of some of them were found in Poljice.<sup>2574</sup>

620. **Witness RM-019** provided evidence about one specific incident involving detainees from the KP Dom. In October 1992, he saw a large army truck at the Miljevina Motel guarded by four or five armed soldiers.<sup>2575</sup> Zoran Samardžić, the Commander of the Miljevina Military Police, ordered some soldiers to follow a convoy of about eight vehicles, including the truck, to the Miljevina coal mine.<sup>2576</sup> At the coal mine, a vehicle with Intervention Platoon soldiers arrived.<sup>2577</sup> The platoon was composed of volunteers from Serbia and Montenegro, formed part of the Miljevina Battalion, and was commanded by Predrag Trivun a.k.a. Pedo or Pedolino.<sup>2578</sup> Pero Elez, commander of the Miljevina Battalion, was Trivun's supervisor.<sup>2579</sup> The platoon soldiers then killed around 30 Muslim men with knives and shot one man in the leg first before Trivun killed him with a knife.<sup>2580</sup> Trivun killed one person with his knife by first cutting his throat. Zoran Samardžić advised him to cut one side of the jugular and let him bleed to death in a slow and painful way. Nikola Brčić killed a man by pushing a long piece of wooden fencing down the man's throat.<sup>2581</sup> In addition to Trivun and Brčić, the perpetrators included Neđo and Zoran Samardžić, Zdravko Ivanović, Miško Savić, Miško Rašković, and two men from Pljevlja in Montenegro, one of whom was nicknamed Aba.<sup>2582</sup> The witness recognised the Muslim men as being from Foča.<sup>2583</sup> Pero Elez had arrived alongside Predrag Trivun and passively observed the killing.<sup>2584</sup>

<sup>2571</sup> Adjudicated Facts I, no. 703.

<sup>2572</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 12; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4085-4086.

<sup>2573</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 12-13.

<sup>2574</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 7.

<sup>2575</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 10.

<sup>2576</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 11-12.

<sup>2577</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 12-14.

<sup>2578</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 13.

<sup>2579</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 22; Witness RM-019, T. 5704.

<sup>2580</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 12, 14-16, 20; Witness RM-019, T. 5709.

<sup>2581</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 18.

<sup>2582</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 14.

<sup>2583</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 16-18; Witness RM-019, T. 5689.

<sup>2584</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 22.

Pero Elez and Trivun then ordered four persons to put the bodies into the truck.<sup>2585</sup> The Muslim men had been tied up with wire.<sup>2586</sup> Then, Elez and Trivun ordered everyone but the execution team and Alija Hrbinić, a Muslim truck driver, to leave the site.<sup>2587</sup> The witness was later told that the bodies were moved 200 to 300 metres away from the site and buried in a shallow grave.<sup>2588</sup>

621. According to the witness, based on the perpetrators bragging in cafés afterwards, the following men were taken from Foča prison in 1992 and killed in Foča at different locations: Nedžib, a.k.a. Điban, killed by Dragan Zelenović 50 metres away from the witness's house in Foča; Halim Konjo, thrown into the Drina River from the iron bridge and killed by a prison guard called Burilo; Spona, killed by Dragan Zelenović and Zoran Vuković; Munir Mačak, taken out of the prison by Zoran Vuković, Dragan Zelenović, and Janko Janjić and later killed; and Adi, taken from the hospital, beaten, thrown into the Drina River and killed by one of Brane Čosović's units.<sup>2589</sup> According to other persons who were working at the front line, Šujo was shot and killed after he had dug a hole on the front line.<sup>2590</sup>

622. **Witness RM-046** testified that on 8 December 1992, a group that mainly consisted of people from the witness's room was taken out of KP Dom and did not return.<sup>2591</sup> The witness was told that the group was going to be exchanged for a group of Serbs in Konjić.<sup>2592</sup> On 12 December 1992, a group of men was taken out of KP Dom to a mine field in Zebina Suma and **Witness RM-086** learned later that all of them had been killed.<sup>2593</sup>

623. **Witness RM-019** testified that in June 1993, Miško Savić, Predrag Trivun, Zoran Samardžić, and Miško Rašković took Aziz Torlak, a Muslim doctor, from the Foča prison to a house in the village of Varizi.<sup>2594</sup> They suspended him by his legs,

<sup>2585</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 22.

<sup>2586</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 14.

<sup>2587</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 22, 24.

<sup>2588</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 24.

<sup>2589</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 4, 69-75.

<sup>2590</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 71.

<sup>2591</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 26, 28, 32, 35-36, 45.

<sup>2592</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 7.

<sup>2593</sup> P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4079.

<sup>2594</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 59-60. With regard to the ethnicity of Aziz Torlak, see P2937 (Witness RM-071, witness statement, 5 July 1995), p. 10.

lighting a fire under his head, beat him, and swung him over the fire for four hours.<sup>2595</sup>  
Torlak died as a result.<sup>2596</sup>

624. Sixty-two bodies were found and exhumed from a mass grave on Maluša Mountain, Foča Municipality.<sup>2597</sup> The bodies were male, were clad in civilian clothes, and a number of them were identified as Muslims.<sup>2598</sup> The limbs of almost every body had been tied and the discovery of a large amount of spent infantry ammunition in the vicinity of the grave showed that the persons were killed at that location.<sup>2599</sup> The Muslim men had been detained at the time of their killing.<sup>2600</sup>

625. **Witness RM-046** testified that several mass graves contained the bodies of KP Dom detainees, including those in Jama Piljak, Paunci, Buk Bijela, Previla, Miljevina, the Buk Bijela tunnel, the Piljak pit, Dobro Polje, and the river Drina.<sup>2601</sup> **Witness RM-012** estimated that about 50 detainees disappeared from KP Dom by being taken away and killed.<sup>2602</sup>

626. Based on the above, the Trial Chamber finds that in June and July 1992, members of the military coming from outside into KP Dom and guards of KP Dom, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, killed 36 Bosnian-Muslim detainees inside KP Dom.

627. Further, in the second half of 1992, hundreds of detainees were taken out systematically of KP Dom, including avowedly for exchanges, disappeared. The families of detainees who disappeared never heard from the detainees again. Several mass graves contained the bodies of those that had been detained at KP Dom. The Trial Chamber recalls the conditions in which detainees were kept at KP Dom and the way the guards treated the detainees (*see* chapter 4.3.2 *Schedule C.6.1*). Under these circumstances, the Trial Chamber is satisfied that there is no reasonable alternative explanation to them having been killed upon having been taken out. Furthermore, Witness RM-019 personally witnessed some of the detainees being killed with knives, and in one instance with a piece of wooden fencing, after having been taken out. During

<sup>2595</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 58-60, 62.

<sup>2596</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 58-60, 62.

<sup>2597</sup> Adjudicated Facts I, no. 708.

<sup>2598</sup> Adjudicated Facts I, no. 709.

<sup>2599</sup> Adjudicated Facts I, no. 710.

<sup>2600</sup> Adjudicated Facts I, no. 711.

<sup>2601</sup> Witness RM-046, T. 7014-7015.

<sup>2602</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 4; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 3-4.

this killing incident, Zoran Samardžić advised Trivun to cut one side of the jugular of one of the detainees and let him bleed to death in a slow and painful way. Accordingly, the Trial Chamber finds that those taken out were killed by KP Dom guards, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, and in some instances by Milenko Živanović a.k.a. Žuti, Dragan Zelenović a.k.a. Zelja, Gojko Janković, Predrag Trivun a.k.a. Pedo or Pedolino, Miško Savić, Nikola Brčić, Miško Rašković, Janko Janjić, Zdravko Ivanović, Zoran and Neđo Samardžić, a man nicknamed Aba, Pero Elez, a man from Brane Ćosović's units, and a man known as Sarajlija. Considering that the detainees at KP Dom were exclusively non-Serbs and predominantly Bosnian Muslims, the Trial Chamber finds that those killed were mostly Bosnian Muslims.

628. In June 1993, Miško Savić, Predrag Trivun, Zoran Samardžić, and Miško Rašković took Aziz Torlak, a Bosnian-Muslim doctor, from KP Dom to a house in the village of Varizi, suspended him by his legs, lit a fire under his head, and beat him for four hours until he died.

629. The Trial Chamber finds that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. Predrag Trivun a.k.a. Pedo or Pedolino who commanded part of the Miljevina Battallion was also subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković, Pero Elez and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Zoran Vuković and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Brane Ćosović also headed a unit subordinated to Marko Kovač.

630. The Trial Chamber will further consider the above incidents in relation to Counts 1 and 3-6 in chapter 8, below.

*Schedule C and unscheduled murder incidents – killing of three Muslim women*

631. In addition to Scheduled Incidents A.2.1 and B.5.1 discussed above, the Indictment charges that the Accused is responsible for the killing of other Bosnian

Muslims and Bosnian Croats in Foča Municipality.<sup>2603</sup> In this respect, the Trial Chamber received evidence from **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992.<sup>2604</sup> He testified that around early spring of 1993, during a reconnaissance mission in the area of Jeleč village in Foča Municipality, members of the 11th Herzegovina Light Infantry Brigade brought three old Muslim women from a hamlet near Jeleč village, which was burned and destroyed by the army in 1992, to Colonel Marko Kovač, Commander of the 11th Herzegovina Light Infantry Brigade.<sup>2605</sup> Kovač told the soldiers to ‘kill the scum’.<sup>2606</sup> Neđo Samardžić used a Scorpion weapon and Nikola Brčić used a Kalasnikov rifle to shoot and kill the three women on the spot.<sup>2607</sup>

632. Based on the foregoing, the Trial Chamber finds that around early spring of 1993, Neđo Samardžić and Nikola Brčić, upon the order of Marko Kovač, shot and killed three elderly Bosnian-Muslim women in Foča Municipality in Kovač’s presence. The Trial Chamber recalls its finding in chapter 3.1.2 that Marko Kovač was the Commander of the Foča Tactical Group. Prior to the killing, Kovač had told the soldiers to ‘kill the scum’. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

#### *4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

##### *Schedule C.6.1*

633. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in KP Dom Foča between at least 12 May and 31 December 1992.<sup>2608</sup> The Defence argued that the evidence fails to support the allegations and that the conditions of detention at KP Dom Foča were not inhumane.<sup>2609</sup> The Defence argued that that the alleged ‘bad acts’ were perpetrated by

<sup>2603</sup> Indictment, paras 39 (a), 47, 52, 59 (a), 62.

<sup>2604</sup> P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

<sup>2605</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 6, 33-34; Witness RM-019, T. 5695.

<sup>2606</sup> P572 (Witness RM-019, witness statement, 3 September 2003), paras 33-34.

<sup>2607</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 34.

<sup>2608</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.1.

<sup>2609</sup> Defence Final Brief, paras 1528-1529.

multiple unknown perpetrators around KP Dom.<sup>2610</sup> The Defence further argued that KP Dom Foča was under the control of the MoJ.<sup>2611</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident.<sup>2612</sup> It also received evidence from a number of persons detained in KP Dom, namely **Witness RM-012**, **Witness RM-046**, **Witness RM-071**, **Witness RM-086**, **Witness RM-063**, **Witness RM-013**, and **Witness RM-050**, all Bosnian Muslims from Foča;<sup>2613</sup> **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992;<sup>2614</sup> **Božidar Krnojelac**, a Serb member of the ‘village guards’ in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;<sup>2615</sup> **Veselinko Simović**, a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS;<sup>2616</sup> and **Radojica Mladenović**, a Bosnian Serb who served as President of the Executive Committee of the Serbian Municipality of Foča and as Vice-President of the Crisis Staff of the Serbian Municipality of Foča;<sup>2617</sup> and documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.<sup>2618</sup> The Trial Chamber

<sup>2610</sup> Defence Final Brief, paras 1529-1538.

<sup>2611</sup> Defence Final Brief, para. 1539.

<sup>2612</sup> Adjudicated facts I, no. 693 is reviewed in chapter 4.3.1 *Schedule B.5.1*.

<sup>2613</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1. P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012). P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2. P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. P982 (Witness RM-013, witness statement, 22 October 1995), p.1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1. P2935 (Witness RM-050, witness statements), witness statement of 21 April 1996, pp. 1-2, witness statement of 21 October 1998, p. 1.

<sup>2614</sup> P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

<sup>2615</sup> D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.

<sup>2616</sup> D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372.

<sup>2617</sup> D697 (Radojica Mladenović, witness statement, 8 June 2014), p. 1, paras 1, 3, 11-12; Radojica Mladenović, T. 27034, 27037, 27060, 27072, 27084.

<sup>2618</sup> **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 3-5; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 2-4; P3157 (Witness RM-012, witness statement, 20 October 1998), pp. 2, 4. **Witness RM-019**: P572 (Witness RM-019, witness statement, 3 September 2003), paras 25, 28, 33, 50-57; Witness RM-019, T. 5689, 5693; P573 (Sketch drawn by Witness RM-019, 3 September 2003). **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 4-5, 7-9; P739 (Witness RM-046, witness statement, 20 October 1998), pp. 2-4; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; P741 (ICTY information report of Witness RM-046, 19 December 2012), p. 2; P742 (Prosecution information report listing corrections to prior statements of Witness RM-046, 18 January 2013), p. 1; Witness RM-046, T. 7028, 7033, 7035-7036, 7039-7040; P745 (Annotated floor plan of KP Dom Foča); D133 (Decision signed by Minister of Justice Momčilo Mandić, appointing Milorad Krnojelac warden of Foča KP Dom, 17 July 1992). **Witness**

also received evidence from **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995.<sup>2619</sup>

634. Immediately after the Serb take-over of Foča Municipality, restrictions were imposed on the non-Serb inhabitants.<sup>2620</sup> Between 10 April 1992 and the beginning of June 1992, large-scale arrests of non-Serb civilian men, mostly of Muslim ethnicity, were carried out throughout the municipality.<sup>2621</sup> Muslim men were rounded up in the streets, separated from the women and children and from the Serb population.<sup>2622</sup> Others were arrested in their apartments or in the houses of friends and relatives, taken away from their workplaces, or dragged from their hospital beds.<sup>2623</sup> Serb soldiers referred to Muslims by the derogatory term ‘balija’, and cursed them during arrests.<sup>2624</sup> **Veselinko Simović** testified that if maltreatment of Serbs was reported, the Dragan Nikolić Intervention Unit would act in accordance with the law and take ‘them’, regardless of their ethnicity or religious affiliation, to KP Dom.<sup>2625</sup> The unit would also sometimes capture enemy soldiers during combat operations.<sup>2626</sup> According to the witness, all units who took soldiers as ‘POWs’ were duty-bound to hand them over to the military police, who would take them to KP Dom or other institutions where ‘POWs’ were being

**RM-071:** P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 7, 10, 12. **Witness RM-086:** P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 9-14; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4093-4094, 4104. **Witness RM-063:** P531 (Witness RM-063, witness statement, 10 February 1996), pp. 3-7; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5424-5427, 5441-5442, 5447-5448; P534 (Drawing of the KP Dom in Foča marked by Witness RM-063). **Witness RM-013:** P982 (Witness RM-013, witness statement, 22 October 1995), paras 10-12, 20, 22-29, 34; P983 (Witness RM-013, witness statement, 20 May 1996), paras 3-5, 7-9, 22, 24, 27; P984 (Corrections to witness statements of Witness RM-013), para. 2; Witness RM-013, T. 8897, 8917, 8920, 8929-8930, 8966. **Božidar Krnojelac:** D650 (Božidar Krnojelac, witness statement, 8 March 2014), paras 9, 15; Božidar Krnojelac, T. 25957, 25961-25963, 25972, 25985-25986, 25997-25998; D651 (Letter by Milorad Krnojelac to the Foča Crisis Staff, 15 May 1992). **Witness RM-050:** P2935 (Witness RM-050, witness statements), witness statement of 21 April 1996, pp. 9-10, witness statement of 21 October 1998, pp. 2-3. **Veselinko Simović:** Veselinko Simović T. 24400-24402; P6685 (Handwritten list of war prisoners who were discharged from KP Dom Foča, 8 December 1992). **Radojica Mladenovic:** D697 (Radojica Mladenovic, witness statement, 8 June 2014), para. 20; Radojica Mladenovic, T. 27079, 27081, 27083. P2826 (Letter confirming release of Enes Zuko by Foča Municipality Crisis Staff, 21 May 1992).

<sup>2619</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

<sup>2620</sup> Adjudicated Facts I, no. 564.

<sup>2621</sup> Adjudicated Facts I, nos 565, 623, 682.

<sup>2622</sup> Adjudicated Facts I, no. 565.

<sup>2623</sup> Adjudicated Facts I, no. 566.

<sup>2624</sup> Adjudicated Facts I, no. 564.

<sup>2625</sup> Veselinko Simović, T. 24375.

<sup>2626</sup> Veselinko Simović, T. 24379-24380.



held.<sup>2627</sup> Subsequent to their arrest, the men were transferred to KP Dom.<sup>2628</sup> On 17 April 1992, all the male Muslim civilians detained at Livade were transferred to KP Dom, which had served as a prison prior to the conflict.<sup>2629</sup> At this time, soldiers from the Užice Corps in Serbia were running the facility, the control of which was transferred to local Serbs during the course of the following few weeks.<sup>2630</sup>

635. At its peak, in the summer of 1992, there were about 500 to 600 detainees at KP Dom. The number decreased from the autumn of 1992 until 1993 when about 200 to 300 detainees remained. Around October 1994, the last detainees, by then numbering less than 100, were released.<sup>2631</sup> Muslim civilian men were detained at KP Dom for periods lasting from four months to more than two and a half years.<sup>2632</sup> Some Serbs were also held there, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict.<sup>2633</sup> By contrast, the non-Serbs were not detained on any legal ground.<sup>2634</sup> The legality of their detention was never reviewed by the Serb authorities.<sup>2635</sup> None of these detainees was ever actually charged, tried, or convicted for any crime before being detained or while detained at KP Dom.<sup>2636</sup> None of these detainees was ever advised of their procedural rights before or during their detention.<sup>2637</sup> These detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national or international law.<sup>2638</sup> They were, *inter alia*, doctors and medical health workers, journalists, former KP Dom employees, managers, police officers, and other persons of civilian status.<sup>2639</sup> In addition to the mainly civilian population at KP Dom, there were a small number of Muslim soldiers kept in isolation cells separately from the civilian Muslim detainees.<sup>2640</sup> Non-Serb men from Foča were detained because of their ethnicity. The overwhelming majority of those detained were Muslim. No consideration was given to age, state of health, or civilian status. The detainees ranged in age from 15

<sup>2627</sup> Veselinko Simović, T. 24400-24401.

<sup>2628</sup> Adjudicated Facts I, no. 623.

<sup>2629</sup> Adjudicated Facts I, no. 624.

<sup>2630</sup> Adjudicated Facts I, no. 624.

<sup>2631</sup> Adjudicated Facts I, no. 625.

<sup>2632</sup> Adjudicated Facts I, no. 626.

<sup>2633</sup> Adjudicated Facts I, no. 627.

<sup>2634</sup> Adjudicated Facts I, no. 627.

<sup>2635</sup> Adjudicated Facts I, nos 627-628.

<sup>2636</sup> Adjudicated Facts I, nos 629, 682.

<sup>2637</sup> Adjudicated Facts I, no. 630.

<sup>2638</sup> Adjudicated Facts I, no. 631.

<sup>2639</sup> Adjudicated Facts I, no. 631.

<sup>2640</sup> Adjudicated Facts I, no. 632.

years to almost 80 years.<sup>2641</sup> Apart from a short period at the beginning of their detention, Muslim detainees were denied any contact with the outside world or with their families, and (for a long time) with the Red Cross.<sup>2642</sup>

636. During the first two to four weeks after the start of the conflict, KP Dom was 'policed' by military units.<sup>2643</sup> Inside KP Dom, it was mainly members of the military who supervised the Muslim detainees during their first weeks of captivity.<sup>2644</sup> From about 18 or 19 April 1992 onwards, at around the same time that Krnojelac was appointed warden, former Serb guards from KP Dom returned to carry out their work assignments.<sup>2645</sup> As warden, Krnojelac was responsible to the MoJ, and to a certain extent to the Military Command.<sup>2646</sup>

637. On 8 May 1992, Commander Miro Stanić of the Foča Tactical Group requested the penal and correctional facility in Foča to allocate rooms within the compound for the accommodation of POWs.<sup>2647</sup> In May 1992, Krnojelac granted the request and allocated the premises of the Foča penal and correctional institution for the accommodation of POWs and detainees.<sup>2648</sup> One important ramification of the lease agreement, signed by Krnojelac as warden and leasing a part of KP Dom to the military for its own use, was that it was the Military Command and, in particular, Commander Kovač and not the MoJ who had power to make decisions concerning which non-Serb detainees would be detained in and released from KP Dom.<sup>2649</sup> In this respect, Krnojelac was obliged to forward requests for release of these detainees to the Crisis Staff or the Foča Tactical Group.<sup>2650</sup> The military did have an obligation to ensure that Krnojelac was kept informed about who it decided was to be detained and who was to be released, and Krnojelac did exercise some powers in this regard such as his proposal that detainees held at Bileca prison be transferred to KP Dom.<sup>2651</sup> The Military Command could also make decisions about which persons would be permitted to enter KP Dom, and it had some power over the appointment of persons to work assignments and the type of work

<sup>2641</sup> Adjudicated Facts I, no. 633.

<sup>2642</sup> Adjudicated Facts I, no. 628.

<sup>2643</sup> Adjudicated Facts I, no. 634.

<sup>2644</sup> Adjudicated Facts I, no. 635.

<sup>2645</sup> Adjudicated Facts I, no. 636.

<sup>2646</sup> Adjudicated Facts I, no. 637.

<sup>2647</sup> P574 (Request for allocation of premises, commander Miro Stanić, 8 May 1992).

<sup>2648</sup> P575 (Decision on allocation of premises, temporary warden Milorad Krnojelac, May 1992).

<sup>2649</sup> Adjudicated Facts I, no. 638.

<sup>2650</sup> Adjudicated Facts I, no. 638.

<sup>2651</sup> Adjudicated Facts I, no. 639.

to be completed by persons assigned to work.<sup>2652</sup> Members of the military would enter KP Dom, although they needed the prior permission of the military authorities.<sup>2653</sup> Krnojelac was able to ensure that such persons did not remove detainees from KP Dom without the appropriate authority from the Military Command.<sup>2654</sup> **Radojica Mladenović** testified that on 9 June 1992, Milorad Krnojelac, the temporary warden of KP Dom, informed the Foča Municipality War Presidency that 470 individuals captured during war operations were then detained and guarded by 42 ‘conscripts’ at KP Dom and that approximately 550 captured people had passed through the institution in the preceding month and a half.<sup>2655</sup>

638. **Witness RM-013** testified that Savo Todović was the deputy of Krnojelac at KP Dom.<sup>2656</sup> The witness knew Todović from school and saw him at the prison, selecting detainees for beatings.<sup>2657</sup> While Todović was replaced as deputy by Milutin Tijanić, he was still a powerful authority in the prison and some of the guards told the witness that it was in fact Todović who was running the camp. The witness often saw him coming from the administration building with lists before meeting with the guards, who would then call detainees out of their cells to be beaten. Todović commanded the guards, ordered the detainees, lined the detainees up in the yard, threatened them, and forced them to work.<sup>2658</sup>

639. Mitar Rašević was the head of Security at KP Dom.<sup>2659</sup> He introduced himself to the detainees as commander of the guards.<sup>2660</sup> Witness RM-013 knew Rašević held that same position before the war and other detainees told the witness that Rašević was present during their beatings and that he ordered the guards to do the beating.<sup>2661</sup> **Witness RM-012** stated that the guards at KP Dom used to wear blue police

<sup>2652</sup> Adjudicated Facts I, no. 640.

<sup>2653</sup> Adjudicated Facts I, no. 641.

<sup>2654</sup> Adjudicated Facts I, no. 641.

<sup>2655</sup> D697 (Radojica Mladenovic, witness statement, 8 June 2014), para. 20; Radojica Mladenovic, T. 27078; P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), pp. 1-2.

<sup>2656</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 30. *See also* P3157 (Witness RM-012, witness statement, 20 October 1998), p. 3; P738 (Witness RM-046, witness statement, 20 April 1996), p. 8.

<sup>2657</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 30; P983 (Witness RM-013, witness statement, 20 May 1996), para. 25.

<sup>2658</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 25.

<sup>2659</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 31.

<sup>2660</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 26. *See also* P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.

<sup>2661</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 31.

uniforms.<sup>2662</sup> Two of the interrogators at the camp were Zoran Vladičić and Vojo Starović.<sup>2663</sup> According to **Witness RM-013**, they and Miodrag Koprivica were introduced to the detainees as inspectors and were in charge of conducting interrogations.<sup>2664</sup> Gojko Jokanović worked as a medic at KP Dom and the witness saw him once to receive painkillers.<sup>2665</sup> His superior was Milan Kovač, the commander of the Užice troops in the JNA, whom the witness knew from before the war.<sup>2666</sup> On 9 June 1992, Krnojelac requested the Foča Municipality War Presidency to upgrade the security of KP Dom by laying mines along the fences and replacing the available weaponry used to guard prisoners.<sup>2667</sup> According to the request, Krnojelac had made the same request to the Crisis Staff of the Serbian Municipality of Foča on 1 June 1992.<sup>2668</sup> **Witness RM-012** stated that Milun Miljanović was the deputy head of the Foča police and he saw him ordering soldiers to plant mines around KP Dom.<sup>2669</sup> Risto Ivanović, Slavko Koroman, Radovan Vuković, a person called Mičević, Milenko Vladičić, Milenko Burilo a.k.a. Busi, Vlatko Pljevaljić, Vitomir Mičević, Zoran Matović, Risto Matović, Dragan Obrenović, Nevenko Blagojević, Cvijetin Krunić, Jovo Savić, Rade Papović, Mićo Bogdanić a.k.a. Roko, Milomir Marić, Zoran Vuković, Predrag Stefanović, Momir Ristanović, Milivoje Milutinović, Milivoje Milić, Dragan Masić, Milovan Vuković, and Milenko Elčić a.k.a. Keli were all guards at KP Dom.<sup>2670</sup> One of the soldiers said that he belonged to the JNA 'Uzicki Korpus' unit.<sup>2671</sup> According to **Witness RM-013**, Krnojelac was replaced by Zoran Simović in January 1993 and after he was replaced the conditions at KP Dom gradually started to improve.<sup>2672</sup>

640. **Božidar Krnojelac** testified that the White Eagles guarded the Bosnian-Muslim detainees in the inner compound of the facility until around 15 May 1992 and after that

<sup>2662</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2663</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 3.

<sup>2664</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 32.

<sup>2665</sup> Witness RM-013, T. 8944.

<sup>2666</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 3; P983 (Witness RM-013, witness statement, 20 May 1996), para. 28; Witness RM-013, T. 8898.

<sup>2667</sup> P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), pp. 1-2.

<sup>2668</sup> P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), p. 1.

<sup>2669</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 4; Witness RM-013, T. 8967.

<sup>2670</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 4; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 2; P982 (Witness RM-013, witness statement, 22 October 1995), para. 33.

<sup>2671</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), p. 10.

<sup>2672</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 29; Witness RM-013, T. 8943.

the TO was in charge of KP Dom.<sup>2673</sup> The witness observed a total of about 100 members of the White Eagles at KP Dom and the ‘Serb guards’ in the town area, respectively.<sup>2674</sup> The members of the White Eagles wore camouflage uniforms, with white eagle insignia on the left sleeves, and the ‘Serb guards’ wore uniforms with the lettering ‘Serb guards’.<sup>2675</sup> According to **Witness RM-063**, Mandić, the Deputy Minister of Interior in Sarajevo, was responsible for all these camps.<sup>2676</sup>

641. The non-Serb detainees were forced to endure brutal and inadequate living conditions while being detained at KP Dom, as a result of which numerous individuals suffered lasting physical and psychological problems.<sup>2677</sup> The non-Serb detainees were deliberately housed in cramped conditions.<sup>2678</sup> KP Dom had the capacity to house more than the maximum 500-700 non-Serbs detained, but the detainees were crowded into a small number of rooms.<sup>2679</sup> Solitary confinement cells designed to hold one person were packed with up to 18 people at a time.<sup>2680</sup> Non-Serbs were locked in their rooms or in solitary confinement at all times except for meals and work duty, and kept in overcrowded rooms even though the prison had not reached its capacity.<sup>2681</sup> Because of the overcrowding, not everyone had a bed or even a mattress, and there were insufficient blankets.<sup>2682</sup> Bedding was insufficient or non-existent, the only bed linen provided was that left over from former convicts, and these items were never washed or changed throughout 1992.<sup>2683</sup> Changes of clothes or facilities for washing clothes were not supplied.<sup>2684</sup> As a result of these conditions, chicken lice spread from the prison farm to the rooms of the detainees.<sup>2685</sup> In the harsh winter of 1992, heaters were deliberately not placed in the rooms in which the non-Serbs were held, windowpanes were left broken and clothes made from blankets to combat the cold were confiscated.<sup>2686</sup> Stoves and furnaces had been produced to heat the offices in the

<sup>2673</sup> Božidar Krnojelac, T. 25958, 25982-25984.

<sup>2674</sup> Božidar Krnojelac, T. 25959.

<sup>2675</sup> Božidar Krnojelac, T. 25957-25958.

<sup>2676</sup> P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; Witness RM-063, T. 5445, 5448.

<sup>2677</sup> Adjudicated Facts I, no. 643.

<sup>2678</sup> Adjudicated Facts I, no. 645.

<sup>2679</sup> Adjudicated Facts I, no. 645.

<sup>2680</sup> Adjudicated Facts I, no. 646.

<sup>2681</sup> Adjudicated Facts I, no. 647.

<sup>2682</sup> Adjudicated Facts I, no. 647.

<sup>2683</sup> Adjudicated Facts I, no. 649.

<sup>2684</sup> Adjudicated Facts I, no. 650.

<sup>2685</sup> Adjudicated Facts I, no. 650.

<sup>2686</sup> Adjudicated Facts I, no. 651.

administration building, and there was sufficient raw material for such furnaces for the non-Serb detainees.<sup>2687</sup> However, it was not until October 1993 that furnaces were finally provided to the non-Serb detainees, and then it was by the ICRC.<sup>2688</sup>

642. Non-Serb detainees were fed rations leading to severe weight loss and other health problems.<sup>2689</sup> They were not allowed to receive visits after April 1992 and therefore could not supplement their food rations and hygienic supplies.<sup>2690</sup> **Witness RM-019** testified that Serb prisoners received better food than Bosnian-Muslim prisoners.<sup>2691</sup> Medicine was in very short supply. A basic medical service was provided but those in need of urgent medical attention were left unattended or given insufficient treatment. At least one detainee died as a result of the lack of or late medical care.<sup>2692</sup> Detainees who were kept in isolation cells and solitary confinement were denied all access to medical care.<sup>2693</sup> Non-Serb detainees who arrived at KP Dom with injuries sustained prior to or in the course of their arrest were not given access to medical treatment, nor were non-Serb detainees who were severely beaten during interrogations at KP Dom.<sup>2694</sup> According to **Witness RM-086**, only when British journalists announced their visit to KP Dom were detainees told to clean their rooms, given haircuts, shaved and washed.<sup>2695</sup>

643. Witness RM-086 stated that there were certain detainees, including carpenters, mechanics, masons, and lumbermen, who worked and were kept separate at KP Dom. There was also a group taken to Čelebići to dig holes for electrical poles, and a group, which dug trenches and built barracks in Zebina Šuma. Todović supervised the workers.<sup>2696</sup>

644. Many of the detainees were subjected to beatings and other forms of mistreatment, sometimes randomly, sometimes as punishment for minor breaches of the prison regulations or in order to obtain information or a confession from them.<sup>2697</sup> Essentially two categories of individuals were involved in the beating of non-Serb

<sup>2687</sup> Adjudicated Facts I, no. 652.

<sup>2688</sup> Adjudicated Facts I, no. 652.

<sup>2689</sup> Adjudicated Facts I, no. 654.

<sup>2690</sup> Adjudicated Facts I, no. 654.

<sup>2691</sup> P572 (Witness RM-019, witness statement, 3 September 2003), para. 55.

<sup>2692</sup> Adjudicated Facts I, no. 657.

<sup>2693</sup> Adjudicated Facts I, no. 658.

<sup>2694</sup> Adjudicated Facts I, no. 659.

<sup>2695</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 9.

<sup>2696</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 12.

<sup>2697</sup> Adjudicated Facts I, no. 642.

detainees: KP Dom guards and people coming from outside of KP Dom.<sup>2698</sup> In respect of the first group, many guards were involved in these beatings, including Dragomir Obrenović, Milenko Burilo, Milenko Elčić, Zoran Matović, Vlatko Pljevaljčić, Predrag Stefanović, Jovo Savić, Radovan Vuković, Milovan Vuković, Milivoj Milić, and Milenko Elčić.<sup>2699</sup> **Witness RM-063** was told by fellow detainees that the following guards were also involved in the beatings: Zoran Vuković, Dragan ‘Zelja’ Zelenović, Vitomir Mišćević, Radovan Vuković, Pero Elez, Janko ‘Tuta’ Janjić, Dragan ‘Žaga’ Kunarac, and a person named Fundić.<sup>2700</sup> The guards called the detainees out of their room and took them to other rooms where they knew that they would be beaten and sometimes personally took part in the beatings themselves.<sup>2701</sup> Individuals or groups of armed soldiers were allowed into KP Dom compound during the first months of the non-Serb civilians’ detention.<sup>2702</sup> It was not unusual for detainees to be beaten by guards of KP Dom or soldiers from outside KP Dom while lining up for lunch in the compound or while being taken back and forth through the compound.<sup>2703</sup> Sometime in October 1992, and while lining up, some detainees were approached by five armed policemen who began to beat them for about half an hour before ordering them to lie down on the ground.<sup>2704</sup> Mitar Rašević as well as the guards who had escorted them, stood by and watched without interfering.<sup>2705</sup> **Witness RM-012** stated that according to some detainees, the guard named Burilo hit people with a wooden bat and Zoran Matović carried a thick wire which he used for beating.<sup>2706</sup> Other detainees (Halim Dedović, Latif Hasanbegović, Aziz Hasković, and Halim Seljanci) told the witness that they had been chained to a wall and beaten up in this position.<sup>2707</sup> **Witness RM-063** testified that his wife, who was also detained at KP Dom, was raped there.<sup>2708</sup> **Witness RM-046**

<sup>2698</sup> Adjudicated Facts I, no. 660.

<sup>2699</sup> Adjudicated Facts I, no. 661.

<sup>2700</sup> P531 (Witness RM-063, witness statement, 10 February 1996), pp. 6, 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; P535 (List of names and Witness RM-063 comments, 19 November 2012), pp. 1-2.

<sup>2701</sup> Adjudicated Facts I, no. 661.

<sup>2702</sup> Adjudicated Facts I, no. 662.

<sup>2703</sup> Adjudicated Facts I, no. 664.

<sup>2704</sup> Adjudicated Facts I, no. 665.

<sup>2705</sup> Adjudicated Facts I, no. 665.

<sup>2706</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2707</sup> P3156 (Witness RM-012, witness statement, 13 June 1996), p. 4.

<sup>2708</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 2; Witness RM-063, T. 5454.

testified that he was blindfolded, made to stand spread-eagled against a wall, and beaten with batons or sticks.<sup>2709</sup>

645. Detainees were regularly taken out of their rooms or from the isolation cells by guards of KP Dom, soldiers, or policemen for the purpose of interrogations.<sup>2710</sup> On several occasions, many detainees who had been taken out in that manner were in fact beaten or otherwise mistreated during the interviews for the purpose of obtaining information or a confession or in order to punish them for some minor violation of prison regulations.<sup>2711</sup> The screams and moans of those being beaten could be heard by other detainees, instilling fear among all detainees. Many were returned to their rooms with visible wounds and bruises resulting from the beating. Some were unable to walk or talk for days.<sup>2712</sup> Any attempts made by non-Serb detainees to improve their living conditions in the camp were punished with solitary confinement.<sup>2713</sup> Acts which resulted in beatings or periods in the isolation cells included efforts to get additional food, or access to warm water, and attempts to communicate with each other, the guards, or the outside world.<sup>2714</sup> From April 1992 until July 1992 beatings took place on a frequent and systematic basis.<sup>2715</sup> KP Dom guards used lists in order to select those detainees to be taken out to the administrative building and beaten there.<sup>2716</sup> Some of the detainees were taken out and beaten on several occasions.<sup>2717</sup>

646. In the course of the summer of 1992 prior to the month of July, Vahida Džemal, Enes Uzunović, Aziz Šahinović, and Elvedin Čedić were severely beaten by guards of KP Dom and military policemen, and they were then kept in solitary confinement for several days.<sup>2718</sup> Sometime between May and August 1992, Ramo Džendusić and Nail Hodžić were beaten by KP Dom guards Milenko Burilo, Dragomir Obrenović and other unidentified individuals on the ground floor of the administration building. Sometime in June or July 1992, the two men were called out of their room, and were subsequently beaten. The moans of the victims were heard by other detainees.<sup>2719</sup> Also in June or July

<sup>2709</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; Witness RM-046, T. 7035-7036.

<sup>2710</sup> Adjudicated Facts I, no. 666.

<sup>2711</sup> Adjudicated Facts I, no. 666.

<sup>2712</sup> Adjudicated Facts I, no. 667.

<sup>2713</sup> Adjudicated Facts I, no. 668.

<sup>2714</sup> Adjudicated Facts I, no. 669.

<sup>2715</sup> Adjudicated Facts I, no. 670.

<sup>2716</sup> Adjudicated Facts I, no. 670.

<sup>2717</sup> Adjudicated Facts I, no. 670.

<sup>2718</sup> Adjudicated Facts I, no. 671.

<sup>2719</sup> Adjudicated Facts I, no. 672.



1992, Emir Frašto and Husko or Husein Rikalo were taken as part of a group of detainees to the administration building where they were severely beaten.<sup>2720</sup> Frašto and Rikalo were taken together with Nurko Nisić and Esad Kiselica, and their beating lasted for about two hours.<sup>2721</sup> On one occasion in the summer of 1992, Latif Hasanbegović, Aziz Hasković, and Halim Seljanci were taken out together and severely beaten by two KP Dom guards, Zoran Matović and Milenko Burilo. They were beaten all over their bodies, including on the soles of their feet, and one of the guards used a baseball bat for that purpose. As a result, they were barely able to move or to stand on their feet when returned to their room.<sup>2722</sup>

647. Sometime in June 1992, Kemo or Kemal Isanović and a young man by the last name of Cedić were called out by a soldier from outside KP Dom, and a KP Dom guard, taken away and severely beaten.<sup>2723</sup> Their screams and moans were clearly heard by other detainees.<sup>2724</sup> They came back swollen and bruised.<sup>2725</sup> Sometime in mid-June 1992, Emir Mandžo was taken to the gate of KP Dom and brutally beaten.<sup>2726</sup> Mandžo was placed on a chair while KP Dom guards or soldiers from outside KP Dom took his shoes off and inserted his arms and legs through the frame of another chair.<sup>2727</sup> One of the principal offenders took a baton and beat Mandžo on the arms and legs. Zoran Vuković hit him with his soldier's boot on the jaw, and he fainted. Zoran Matović, also took part in the beating.<sup>2728</sup>

648. **Witness RM-013** testified that sometime in August 1992, a group of seven or eight policemen from Trebinje went to KP Dom.<sup>2729</sup> The policemen severely beat a group of detainees who were on their way back from the canteen.<sup>2730</sup> The prison guards at KP Dom did not interfere for about five minutes, until the policemen pointed their weapons at the detainees, at which point Rašević intervened and ordered them to stop.<sup>2731</sup>

<sup>2720</sup> Adjudicated Facts I, no. 673.

<sup>2721</sup> Adjudicated Facts I, no. 673.

<sup>2722</sup> Adjudicated Facts I, no. 674.

<sup>2723</sup> Adjudicated Facts I, no. 675.

<sup>2724</sup> Adjudicated Facts I, no. 675.

<sup>2725</sup> Adjudicated Facts I, no. 675.

<sup>2726</sup> Adjudicated Facts I, no. 676.

<sup>2727</sup> Adjudicated Facts I, no. 676.

<sup>2728</sup> Adjudicated Facts I, no. 677.

<sup>2729</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 34.

<sup>2730</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 34.

<sup>2731</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 34; P983 (Witness RM-013, witness statement, 20 May 1996), para. 20.

649. Groups of detainees were transferred from KP Dom to other camps in Bosnia-Herzegovina, including the camps at Kula, Kalinovik, and Rudo.<sup>2732</sup> Detainees were taken out of KP Dom on exchanges that generally followed a similar pattern. A KP Dom guard or policeman would come from the gate to the detainees' rooms to call out the detainees for exchanges, according to a list provided by the prison administration. Those selected would then be taken out of KP Dom. On some occasions they would be beaten first, by KP Dom guards or military personnel.<sup>2733</sup> **Witness RM-086** stated that, during his detention in Kalinovik from 8 to 12 December 1992, one detainee was exchanged each day and he was himself exchanged on 12 December 1992.<sup>2734</sup>

650. The Red Cross visited KP Dom three or four times while **Witness RM-013** was detained there, sometime in the summer of 1992 and once on 10 October 1992.<sup>2735</sup> When the Red Cross visited, the witness and 24 other detainees were hidden.<sup>2736</sup> This group of 25 detainees was kept hidden until 1993, before the detainees were registered by the Red Cross.<sup>2737</sup> The witness testified that they were told they were being hidden because they were prominent citizens and that they were going to be exchanged for generals.<sup>2738</sup> The Red Cross was able to talk to some of the detainees during their visits, but only in the presence of the guards and KP Dom managers.<sup>2739</sup>

651. One witness provided a different account of the conditions of detention at KP Dom Foča. **Trivko Pljevaljčić** testified that some Bosnian-Muslim civilians in Foča were housed in a few collection centres when the conflict broke out for around ten days.<sup>2740</sup> Men were usually put up at the KP Dom, while others were housed in Partizan Hall, Čodor Mahala, and other smaller collection centres.<sup>2741</sup> According to the witness, the Bosnian-Muslim civilians were allowed to leave these centres.<sup>2742</sup> The Trial Chamber notes this evidence appears to be in stark contrast to the Adjudicated Facts and

<sup>2732</sup> Adjudicated Facts I, no. 679.

<sup>2733</sup> Adjudicated Facts I, no. 680.

<sup>2734</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 14.

<sup>2735</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), para. 30; Witness RM-013, T. 8912.

<sup>2736</sup> Witness RM-013, T. 8912.

<sup>2737</sup> Witness RM-013, T. 8912, 8919-8920.

<sup>2738</sup> Witness RM-013, T. 8912.

<sup>2739</sup> Witness RM-013, T. 8912-8913; P989 (Regular combat report signed by Kovač, 10 October 1992), p. 2.

<sup>2740</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 14; Trivko Pljevaljčić, T. 27195, 27197.

<sup>2741</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 14; Trivko Pljevaljčić, T. 27195-27196.

<sup>2742</sup> Trivko Pljevaljčić, T. 27196-27197.

other evidence received. However, the witness testified that he never went inside KP Dom between 1992 and 1994, and that his basis for knowledge that Bosnian-Muslim civilians were allowed to leave was that he saw some Bosnian Muslims in Foča town.<sup>2743</sup> Further, the witness testified that he in fact did not know who was detained or taken care of at these centres.<sup>2744</sup> The Trial Chamber finds that for the foregoing reasons, Pljevaljčić's evidence is insufficiently reliable, and will not consider it further in this respect.

652. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and October 1994, non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, were detained at KP Dom. Serb soldiers referred to Bosnian Muslims by the derogatory term 'balija', and cursed them during arrests. The detainees ranged in age from 15 years to almost 80 years. At its peak, in the summer of 1992, there were about 500 to 600 detainees. Bosnian-Muslim civilian men were detained at KP Dom for periods lasting from four months to more than two and a half years. Some Serbs were also held there, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict. By contrast, the non-Serbs were not detained on any legal ground. The legality of their detention was never reviewed by the Serb authorities. None of these detainees was ever actually charged, tried, or convicted for any crime before being detained or while detained at KP Dom. None of these detainees was ever advised of their procedural rights before or during their detention. These detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national or international law. All of the non-Serb men from Foča were detained because of their ethnicity.

653. A small number of detainees were Bosnian-Muslim soldiers kept in isolation cells separately from the civilian Bosnian-Muslim detainees. The detainees were crowded into a small number of rooms at KP Dom. In the harsh winter of 1992, heaters were deliberately not placed in the rooms in which the non-Serbs were held, windowpanes were left broken, and clothes made from blankets to combat the cold were confiscated. Non-Serb detainees were fed rations leading to severe weight loss and other health problems. Serb detainees received better food than Bosnian-Muslim detainees. Medicine was in very short supply.

<sup>2743</sup> Trivko Pljevaljčić, T. 27198-27199, 27229-27230.

<sup>2744</sup> Trivko Pljevaljčić, T. 27198-27199.

654. In April 1992, Milorad Krnojelac was appointed warden of KP Dom. Krnojelac was responsible to the MoJ and to a certain extent to the Military Command. Part of KP Dom was leased to the military and as a result it was the Military Command and, in particular, Commander Marko Kovač and not the MoJ who had power to make decisions concerning which non-Serb detainees would be detained in and released from KP Dom. Accordingly, the Trial Chamber finds that the Military Command under Kovač was responsible for the detentions at KP Dom. The Trial Chamber recalls its finding in chapter 3.1.2 that Marko Kovač was the Commander of the Foča Tactical Group. The Trial Chamber further finds that Krnojelac and MoJ employees, were responsible for the camp's living conditions.

655. During their detention, many of the detainees were regularly beaten. Some detainees were blindfolded, made to stand spread-eagled against a wall, chained to a wall, and beaten with batons, a thick wire, or sticks. Others were beaten and stabbed. At least one female detainee was raped in the camp. The perpetrators included civilian and military police from outside KP Dom and KP Dom guards, including Pero Elez, Janko 'Tuta' Janjić, Dragomir Kunarac a.k.a. Žaga, Zoran Vuković, Dragan 'Zelja' Zelenović, and Jovo Savić. Jovo Savić was a member of the IBK.<sup>2745</sup> The Trial Chamber also recalls its finding in chapter 3.1.2 that Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Janko Janjić a.k.a. Tuta led a sub-unit under Brane Ćosović who commanded the 'Dragan Nikolić' Intervention Unit, who in turn reported to Kovač. Zoran Vuković was under Janjić's command. Dragan Zelenović a.k.a. Zelja was a part-time member of and worked with the 'Dragan Nikolić' Intervention Unit.

656. The Chamber will further consider the above incidents, as far as they relate to the time period on or after 12 May 1992, in relation to Counts 1 and 3 in chapter 8, below.

#### *Schedule C.6.2*

657. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Karaman's house in

<sup>2745</sup> See P4966 VRS Main Staff request by Mladić regarding deployment of officers to the IBK, 27 May 1992, pp. 1, 5.

Miljevina, Foča Municipality between at least August and October 1992.<sup>2746</sup> The Defence argued that there is no reliable evidence demonstrating Mladić's knowledge of Karaman's house and an association between the perpetrators of this incident and a group falling within Mladić's responsibility.<sup>2747</sup> The Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Karaman's house, perpetrated elsewhere in Foča Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,<sup>2748</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2749</sup> The Trial Chamber also received evidence from **Witness RM-048**, a Bosnian Muslim woman.<sup>2750</sup>

658. **Witness RM-070** testified that on 2 or 3 August 1992 she, together with some other women, was taken by Miško Savić from Partizan Hall to 'Karaman's house' which was located approximately one kilometre outside Miljevina.<sup>2751</sup> This house was used by Pero Elez and 'his soldiers' to meet and relax in the evenings, to eat, and to keep women to rape.<sup>2752</sup> Radovan Stanković was in charge at the house.<sup>2753</sup> During the day the women were forced to do household chores, wash uniforms, and cook for the soldiers.<sup>2754</sup> The witness and the other women were usually raped in the evenings and nights when the soldiers came to the house.<sup>2755</sup> Up to ten soldiers visited the house every night, out of whom the witness recalled the names of Radovan Stanković, Nikola Brčić (a.k.a. 'Rođo'), and two brothers Neđo and Zoran Samardžić.<sup>2756</sup> During her time at 'Karaman's house' several women were brought there, the youngest of whom was twelve years old.<sup>2757</sup> They had the key to lock themselves in and to prevent other

<sup>2746</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.2.

<sup>2747</sup> Defence Final Brief, para. 1551.

<sup>2748</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>2749</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88-89, 94-95.

<sup>2750</sup> P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.

<sup>2751</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 79, 84-86; P2423 (Witness RM-070, prior testimony), p. 1487; Witness RM-070, T. 17651.

<sup>2752</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 82, 91-94, 96.

<sup>2753</sup> Adjudicated Facts I, no. 622.

<sup>2754</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 91, 93-94.

<sup>2755</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 93-94, 96-97.

<sup>2756</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88-89, 94-95. *See also* P979 (Witness RM-048, witness statement, 8 June 1999), para. 48. While the evidence reflects slight differences in the spellings of Nedjo and Zoran Samardžić's names, the Trial Chamber finds in each instance that the same two people are being referred to.

<sup>2757</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88, 90; Witness RM-070, T. 17647.

soldiers from entering the house.<sup>2758</sup> They were free to move around the garden but did not dare to leave as they were surrounded by soldiers.<sup>2759</sup> They were also provided with a lot of food and clothing.<sup>2760</sup>

659. Dragoljub Kunarac removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape.<sup>2761</sup> On 3 August 1992, Kunarac went to the house in Ulica Osmana Đikića no. 16 where he took four women and drove them to Miljevina.<sup>2762</sup> There, the women were handed over to some men and brought to 'Karaman's house'.<sup>2763</sup> While kept in this house, the females were constantly raped.<sup>2764</sup>

660. **Witness RM-048** testified that Kunarac's soldiers took her and five or six other girls from an apartment in Foča, where she had been taken around 5 August 1992, to 'Karaman's house'.<sup>2765</sup> Upon their arrival, Pero Elez divided the girls among him and other soldiers: Radovan Stanković, Neđo Samardžić, and Zoran Samardžić.<sup>2766</sup> From the witness's observation during her 'detention' in Karaman's house, there were about 30 soldiers under Pero Elez's command.<sup>2767</sup> This was the place where Pero Elez provided his best or elite soldiers with sexual services.<sup>2768</sup> The witness was not raped during her stay in this house but, according to her, the other girls were forced to have sexual intercourse with the soldiers they were assigned to.<sup>2769</sup> The girls also had to cook and clean for the soldiers and according to the witness they could not leave.<sup>2770</sup> One day, one of Kunarac's men came to the house, took the witness to another house, and raped her.<sup>2771</sup> After seven to ten days, a member of Kunarac's unit took the witness to another apartment in the centre of Foča, owned by a Serb soldier, until she was released by the

<sup>2758</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 91.

<sup>2759</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 91.

<sup>2760</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 92.

<sup>2761</sup> Adjudicated Facts I, no. 598.

<sup>2762</sup> Adjudicated Facts I, no. 610.

<sup>2763</sup> Adjudicated Facts I, no. 610. According to the Adjudicated Fact, the women were handed over to the men of a person referred to as 'DP3' in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T).

<sup>2764</sup> Adjudicated Facts I, no. 610. According to the Adjudicated Fact, 'the girls were constantly raped'. However, considering the preceding sentence which states that women were handed over and brought to 'Karaman's house', the Trial Chamber adopts the more generic term of 'females' in order to cover all age groups involved.

<sup>2765</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 23-26, 42-46, 47, 51; Witness RM-048, T. 8820.

<sup>2766</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 48.

<sup>2767</sup> Witness RM-048, T. 8820.

<sup>2768</sup> Witness RM-048, T. 8820-8821.

<sup>2769</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 48, 50; Witness RM-048, T. 8820.

<sup>2770</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 52.

<sup>2771</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 53.

exchange commission in July 1993.<sup>2772</sup> During this period, she had to have sex with the Serb soldier on a regular basis.<sup>2773</sup> The Serb soldier allowed her to see two girls the witness knew from before and they told her that they were forced to have sexual intercourse with Gojko Janković and Kunarac, the men they had been assigned to.<sup>2774</sup> They were kept in a house in Trnovače which used to belong to a Muslim.<sup>2775</sup> On several occasions, while visiting the house, the witness saw Kunarac raping one of the girls.<sup>2776</sup> The witness also met Dragan Džurević in this house and, according to the witness, at some point Džurević took that girl to another house and kept her ‘for himself’.<sup>2777</sup>

661. Sometime in either September or October 1992, in a room on the upper floor of ‘Karaman’s house’, Kunarac forced a woman to have sexual intercourse.<sup>2778</sup> **Witness RM-070** testified that on 30 October 1992, Gojko Janković, Dragan Zelenović, and Janko Janjić removed her and other women from Karaman’s house.<sup>2779</sup> After that and for the duration of four months, the witness was moved between numerous locations, including a flat in the Brena block, a house close to Hotel Zelengora and soldiers’ individual apartments, where she was raped by among others Radomir Kovač, Jaguš Kostić, Milan Todović, and various ‘Serb soldiers’.<sup>2780</sup>

662. With regard to the alleged beatings and other physical and psychological abuse, the Trial Chamber received the following evidence. **Witness RM-070** testified that the girls in Karaman’s house were beaten if they refused to obey orders.<sup>2781</sup> During the time the witness was in Kovač’s flat, she heard that he sold the 12-year-old girl, who was also in Karaman’s house, to Dragan Stanković.<sup>2782</sup> He also beat one of the women on

<sup>2772</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 52, 57-59, 86-90; P980 (Witness RM-048, table of clarifications); Witness RM-048, T. 8856-8862. The Trial Chamber refers to the confidential annex in Appendix D for the identity of the ‘Serb soldier’.

<sup>2773</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 62, 72.

<sup>2774</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 76-77.

<sup>2775</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 78.

<sup>2776</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 78.

<sup>2777</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 79; Witness RM-048, T. 8825.

<sup>2778</sup> Adjudicated Facts I, no. 621. According to the Adjudicated Fact, Kunarac forced a witness known as ‘FWS-87’ in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T) to have sexual intercourse in the knowledge that she did not consent.

<sup>2779</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 98-99; Witness RM-070, T. 17651.

<sup>2780</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 100-105, 107, 109; Witness RM-070, T. 17647-17649.

<sup>2781</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 92.

<sup>2782</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 102.

the face after she refused to have sexual intercourse with Slavo Ivanović.<sup>2783</sup> Janjić later took the witness and another woman to his flat in the Brena block, after which Kovač came and wanted to take them back. He showed them a knife and said ‘this is for you, a bullet is too expensive’ and beat them very hard until the witness fell to the ground because they had ‘left’ him for Janjić. Upon their arrival to another flat, he forced them to take off their clothes and stand naked on the table for about one hour. He also threatened to kill them.<sup>2784</sup> While staying in Todović’s flat, the witness was raped by different soldiers and beaten up by Todović, that she was constantly ‘black and blue’.<sup>2785</sup> The flat was very cold and the witness hardly had anything to eat. One man also once beat her until she suffered a bone fracture below her left eye.<sup>2786</sup>

663. During these months, **Witness RM-070** was afraid for her life and felt like an object that was being continuously exchanged. She felt pain on the area around her left eye, stomach, thighs, and knees. Until the day she gave her statement, she still suffered from trauma and had terrible nightmares about the war.<sup>2787</sup> **Witness RM-048** testified that she could not feel any fear as she was indifferent about what would happen to her.<sup>2788</sup> She did not have any physical problems but is certain that she would need therapy sessions for the rest of her life.<sup>2789</sup>

664. Based on the foregoing, the Trial Chamber finds that from early August 1992, Dragoljub Kunarac and his soldiers as well as Miško Savić took several groups of Bosnian-Muslim women and girls from, *inter alia*, a house in Ulica Osmana Đikića no. 16 and Partizan Hall and brought them to ‘Karaman’s house’, where Radovan Stanković was in charge. The youngest girl brought to the house was 12 years old. Pero Elez and his soldiers used the house to keep women and girls to rape. With regard to one group, Elez divided the women and girls among himself, Radovan Stanković, Neđo Samardžić, and Zoran Samardžić. The Trial Chamber recalls its finding in chapter 4.3.1 *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battalion. The Trial Chamber found in chapter 4.5.2 *Schedule C.9.1* that Neđo Samardžić was

<sup>2783</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 100.

<sup>2784</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 103.

<sup>2785</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 105.

<sup>2786</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 109.

<sup>2787</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 109.

<sup>2788</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 93.

<sup>2789</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 93; P980 (Witness RM-048, table of clarifications); Witness RM-048, T. 8839.



subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Radovan Stanković was a soldier subordinated to Pero Elez. The girls were forced to have sexual intercourse with the men they were assigned to. Up to ten ‘soldiers’, including the aforementioned people and Nikola Brčić, a.k.a. Rođo, came to the house every night and raped the women and girls there. Kunarac also raped a woman or a girl at the house. The women and girls were held in the house and were forced to cook, clean, and wash uniforms for the soldiers. They were beaten if they refused to obey orders.

665. Kunarac, Gojko Janković, Dragan Zelenović, and Janko Janjić also took Muslim women and girls from ‘Karaman’s house’ to other locations, including a house in Trnovače which used to belong to a Muslim, a flat in the Brena block, a house close to Hotel Zelengora, and soldiers’ individual apartments, where Kunarac, Janković, Dragan Džurević, Radomir Kovač, Jaguš Kostić, Milan Todović, and other ‘Serb soldiers’ raped the women and girls. Kovač once threatened to kill Witness RM-070, a Muslim from Foča, and another woman and forced them to stand naked on a table for one hour. A member of Kunarac’s unit brought Witness RM-048, a Bosnian-Muslim woman, to the apartment of a Serb soldier<sup>2790</sup> in Foča, where she was detained from August 1992 until July 1993, and who raped her on a regular basis.

666. As a result, the aforementioned witnesses experienced lifetime trauma and psychological injuries. Additionally, Witness RM-070 suffered from physical wounds in several parts of her body. She was beaten on the face by Radomir Kovač, Todović, and Jaško Gazdić.

667. The Trial Chamber also recalls its finding in chapter 3.1.2 that Gojko Janković, Pero Elez, Dragomir Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Radovan Kovač a.k.a. Klanfa and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Brane Ćosović also headed a unit subordinated to Marko Kovač. Brane Ćosović’s deputy was Dragan Džurević.

668. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

<sup>2790</sup> The Trial Chamber refers to the confidential annex in Appendix D for the identity of the ‘Serb soldier’.

### *Schedule C.6.3*

669. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Worker's Huts at Buk Bijela/Bukovica Motel between June and July 1992.<sup>2791</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events in the Worker's Huts at Buk Bijela. It also heard evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,<sup>2792</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2793</sup> The Trial Chamber further received evidence from **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality,<sup>2794</sup> relating to events in the Bukovica Motel.

### *Bukovica Motel*

670. **Maida Čedić** stated that in the evening of 24 June 1992 at around 10 p.m., 'Chetniks' arrived at a neighbour's house, ordered the people in the house, including the witness, to get into a refrigerator truck and said that they were going to be exchanged. One of the other women recognised the men as local Serbs from Tjentište. They were taken to the Bukovica Motel, which was located three kilometres away.<sup>2795</sup> At the motel, the witness was placed in a room with her children and two other women, Barlov Suada and Bečković Tidža, who were soon taken out. Suada returned but was taken out again after which she did not return. Tidža was brought back and she said that she had not been raped. The witness's friend's daughter, Žiba, was also taken out that night but the witness did not know what happened to her.<sup>2796</sup> The witness was told by women from Trošanjanj who had been detained in Partizan Hall that women were taken from Partizan Hall to the Bukovica Motel and Buk Bijela 'for rape'.<sup>2797</sup> During the morning of 25 June 1992, Gojko Janković, Petko Gašević, and another man in police uniform arrived at the

<sup>2791</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.3. The Trial Chamber understands the Indictment to refer to the period of time between 1 June and 31 July 1992.

<sup>2792</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>2793</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 9, 14, 25-27, 32-33.

<sup>2794</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2.

<sup>2795</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.

<sup>2796</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.

Bukovica Motel and said that they would send the women out of Foča as they could not control ‘the gangs’.<sup>2798</sup> On 26 June 1992, a bus and police cars with ‘Chetniks’ took the women out of Foča.<sup>2799</sup> The witness stayed in Novi Pazar until 16 October 1992 and arrived in Turkey on 17 October 1992.<sup>2800</sup>

671. Based on the foregoing, the Trial Chamber finds that on the evening of 24 June 1992 local Serbs from Tijentište took Maida Čedić, a Bosnian Muslim, as well as other women to the Bukovica Motel and detained them there for two days. The Trial Chamber further finds that Maida Čedić’s testimony that she was told by others that women were taken from Partizan Hall to the Bukovica Motel for rape is vague and limited in its probative value. The Trial Chamber will further consider the above with regard to Maida Čedić and with the exception of the alleged rapes in the Bukovica Motel, in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

*Worker’s Huts at Buk Bijela*

672. In early July 1992, some Muslim women from the village of Mješaja/Trošan were taken by Serb soldiers to a detention centre at the construction site Buk Bijela, where a local Serb soldier, Gojko Janković, was in charge.<sup>2801</sup> **Witness RM-070** testified that upon arrival one of the women was taken to a hut where she was questioned by Dragan Zelenović and Janković under threat of rape and death.<sup>2802</sup> Serb soldiers repeatedly raped Muslim women and girls, either at Buk Bijela or elsewhere.<sup>2803</sup> All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>2804</sup> Witness RM-070 specified that on one occasion one of the women was raped, both vaginally and orally, in a hut at Buk Bijela by eleven soldiers.<sup>2805</sup>

673. Based on the foregoing, the Trial Chamber finds that in early July 1992 some Bosnian-Muslim women were taken to and detained at the worker’s huts in Buk Bijela, where Gojko Janković was in charge. Janković and Dragan Zelenović questioned one

<sup>2797</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.

<sup>2798</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.

<sup>2799</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.

<sup>2800</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), p. 6.

<sup>2801</sup> Adjudicated Facts I, no. 580.

<sup>2802</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 29-30.

<sup>2803</sup> Adjudicated Facts I, no. 581.

<sup>2804</sup> Adjudicated Facts I, no. 591.

woman under threat of rape. Soldiers repeatedly raped women at the worker's huts in Buk Bijela. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Dragan Zelenović a.k.a. Zelja was a subordinate to Janko Janjić.

674. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

#### *Schedule C.6.4*

675. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Partizan Hall in Foča during 1992.<sup>2806</sup> As explained in Appendix B, the Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Partizan Hall, perpetrated elsewhere in Foča Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events at this detention centre. The Trial Chamber also received evidence from **Witness RM-070, Maida Čedić**, and **Witness RM-048**, three Muslim women,<sup>2807</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2808</sup> The Trial Chamber also received evidence from **Milutin Vujičić**, a Serb from Foča Municipality.<sup>2809</sup>

676. The Muslim civilians held at Partizan Hall were kept in unhygienic conditions and without hot water and were provided with insufficient food.<sup>2810</sup> There were also Muslim civilians held there without medical care.<sup>2811</sup> Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their

<sup>2805</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 32-33.

<sup>2806</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.4.

<sup>2807</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1 ; P2421 (Pseudonym sheet for Witness RM-070). P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2; P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.

<sup>2808</sup> **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, paras 1, 63, 68-70, 71, 73-74. **Maida Čedić**: P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4. **Witness RM-048**: P979 (Witness RM-048, witness statement, 8 June 1999), paras 23, 26, 32, 74; P980 (Witness RM-048, table of clarifications).

<sup>2809</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1, paras 1, 9.

<sup>2810</sup> Adjudicated Facts I, no. 613.

<sup>2811</sup> Adjudicated Facts I, no. 590.

houses.<sup>2812</sup> Most of their houses were burned down or ransacked.<sup>2813</sup> They were guarded and lived in an atmosphere of intimidation.<sup>2814</sup> All this was done in full view, in complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>2815</sup> The Partizan Hall was guarded by police officers.<sup>2816</sup>

677. Serb soldiers repeatedly raped Muslim women and girls, either at this location or elsewhere.<sup>2817</sup> The head of Foča police forces, Dragan Gagović, was one of the men who came to Partizan Hall to take women out and rape them.<sup>2818</sup> All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>2819</sup>

678. Kunarac removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape.<sup>2820</sup> The girls and women, who were selected by Kunarac or by his men, were systematically taken to the soldiers' base, a house located in Ulica Osmana Đikića.<sup>2821</sup> There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself.<sup>2822</sup> **Witness RM-070**, who was one of the victims detained at the Partizan Hall as of mid or end of July 1992,<sup>2823</sup> described these events in great detail. She testified that several times during the day and night, soldiers in groups of three to four, wearing camouflage uniforms and speaking with a Montenegrin accent would remove women from Partizan Hall and rape them.<sup>2824</sup> According to her, Kunarac was in charge of the Montenegrin soldiers.<sup>2825</sup> The soldiers who raped women were: Kunarac a.k.a. 'Žaga', 'Konta', 'Gaga', 'Bane', 'Miga', 'Tolja', 'Puko', 'Šepo', Durko Dubljević, Ranko Radulović, and a 16-year-old boy named 'Zuca'.<sup>2826</sup> One woman was also raped by Janko Janjić a.k.a. 'Tuta' who took her several times from Partizan Hall.<sup>2827</sup>

<sup>2812</sup> Adjudicated Facts I, no. 613.

<sup>2813</sup> Adjudicated Facts I, no. 613.

<sup>2814</sup> Adjudicated Facts I, no. 613.

<sup>2815</sup> Adjudicated Facts I, no. 613.

<sup>2816</sup> Adjudicated Facts I, no. 592.

<sup>2817</sup> Adjudicated Facts I, no. 581.

<sup>2818</sup> Adjudicated Facts I, no. 614.

<sup>2819</sup> Adjudicated Facts I, no. 591.

<sup>2820</sup> Adjudicated Facts I, no. 598.

<sup>2821</sup> Adjudicated Facts I, no. 599.

<sup>2822</sup> Adjudicated Facts I, no. 599.

<sup>2823</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 46, 69, 74, 79, 90

<sup>2824</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 69.

<sup>2825</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 71-72.

<sup>2826</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 71.

<sup>2827</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 76.

679. On 2 August 1992, Kunarac went to Partizan Hall where he took out four women and drove them to the house in Ulica Osmana Đikića, where some women who had been taken out of the Kalinovik school had already arrived.<sup>2828</sup> Kunarac took these women to this house in the knowledge that they would be raped by soldiers during the night. Kunarac took one woman to one of the rooms of the house and forced her to have sexual intercourse. She was also raped by other soldiers that same night. Two of the other women were repeatedly raped by other soldiers on the same night.<sup>2829</sup> On the same day, Kunarac took three women out of Ulica Osmana Đikića no. 16, and, together with 'Gaga' and another soldier, took them to an abandoned house in Trnovače where Dragoljub Kunarac raped one of the women while another woman was raped by the other soldier.<sup>2830</sup> Dragoljub Kunarac also took a Muslim woman out of Partizan and drove her to Ulica Osmana Đikića no. 16 together with the man known as Gaga.<sup>2831</sup> She was raped there first by Gaga and two other men and then forced to have sexual intercourse with Kunarac because she had been threatened with death by Gaga.<sup>2832</sup> Kunarac had sexual intercourse with her in the full knowledge that she did not consent; he was also fully aware of the rapes inflicted upon her by the other soldiers.<sup>2833</sup> A Muslim woman was gang-raped in the house at Ulica Osmana Đikića no. 16, while another Muslim woman was being raped by three soldiers and Dragoljub Kunarac.<sup>2834</sup> The Muslim woman who was gang-raped in the house at Ulica Osmana Đikića was taken to a separate room by the man known as Gaga, who ordered her to have sex with a 16-year-old boy nicknamed 'Zuca'.<sup>2835</sup>

680. **Witness RM-048** testified that around 5 August 1992, soldiers from the paramilitary unit headed by Kunarac took her and six other girls to an apartment in Foča which was occupied by Žaga's soldiers.<sup>2836</sup> Because the apartment was abandoned, the

<sup>2828</sup> Adjudicated Facts I, no. 607.

<sup>2829</sup> Adjudicated Facts I, no. 608.

<sup>2830</sup> Adjudicated Facts I, no. 609.

<sup>2831</sup> Adjudicated Facts I, no. 611. According to the Adjudicated Fact it was a Muslim woman known as witness D.B. in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T).

<sup>2832</sup> Adjudicated Facts I, no. 611.

<sup>2833</sup> Adjudicated Facts I, no. 611.

<sup>2834</sup> Adjudicated Facts I, no. 612. According to the Adjudicated Fact, the first Muslim woman referred to was known as witness FWS-75 in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T) and the second Muslim woman referred to was known as witness D.B. in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T).

<sup>2835</sup> Adjudicated Facts I, no. 612.

<sup>2836</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 19, 23-24, 26; P980 (Witness RM-048, table of clarifications).

witness assumed it had been owned by a Muslim.<sup>2837</sup> A Serb soldier told the witness that women were detained in Partizan Sports Hall, and that he once took a woman he knew out of there, and ‘kept her for some time’.<sup>2838</sup> In the course of her stay at the apartment, the witness saw several soldiers raping other girls, often in full view of each other.<sup>2839</sup> According to the witness, Žaga was often present in the apartment, watching the mass rapes.<sup>2840</sup> One of the soldiers took the witness to another house and raped her.<sup>2841</sup> The soldier told her that he was a volunteer from Montenegro under the command of Žaga.<sup>2842</sup> On another occasion a soldier held a knife to her throat, threatened her with a pistol, and beat and raped her.<sup>2843</sup>

681. **Milutin Vujičić** testified that in April 1992 the civilian authorities decided to establish a shelter for Muslim women from Foča Municipality at the ‘Partizan sports club’ in Foča.<sup>2844</sup> According to the witness, such ‘reception centres’ were established by the municipal authorities to provide safe accommodation to vulnerable Muslim populations, such as women, children, and the elderly.<sup>2845</sup> Between approximately 20 and 24 April 1992, the witness was one of several persons charged by the Crisis Staff and the ‘security station’ to guard the facility at night.<sup>2846</sup> The witness testified that at that time there were several women at the facility, who were free to move in and out of the reception centre.<sup>2847</sup> As an armed guard, the witness was tasked not to allow anyone into the facility at night, and to protect the persons inside the facility from unwanted consequences.<sup>2848</sup> He never saw the women, although he knew that they had a key and they locked themselves in from the inside of the facility at night.<sup>2849</sup> When Muslims

<sup>2837</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 26.

<sup>2838</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 74. The Trial Chamber refers to the confidential annex in Appendix D for the identity of the ‘Serb soldier’.

<sup>2839</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 37.

<sup>2840</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 37.

<sup>2841</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 29-31.

<sup>2842</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 29.

<sup>2843</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 39-41; P980 (Witness RM-048, table of clarifications).

<sup>2844</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 2, 8; Milutin Vujičić, T. 24188-24189, 24231.

<sup>2845</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 3; Milutin Vujičić, T. 24188-24189, 24231-24232, 24237.

<sup>2846</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4-5, 8; Milutin Vujičić, T. 24188-24189, 24249-24251.

<sup>2847</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4, 8; Milutin Vujičić, T. 24190-24191, 24249.

<sup>2848</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4-7; Milutin Vujičić, T. 24189.

<sup>2849</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 2; Milutin Vujičić, T. 24190.

started to leave Foča, the persons in the facility went with them, and all the women had left the facility by no later than June 1992.<sup>2850</sup>

682. The Trial Chamber notes that the evidence of Vujičić appears to be in stark contrast to the Adjudicated Facts and other evidence received. However, his evidence concerning Partizan Hall relates exclusively to the period between April and June 1992. According to Vujičić, all ‘the women’ had left Partizan Hall no later than June 1992. Moreover, having considered the limited time Vujičić spent guarding the facility, the Chamber does not find his evidence concerning Partizan Hall to be reliable. For all of these reasons, the Chamber finds that Vujičić’s evidence does not rebut the Adjudicated Facts and does not affect the evidence set out above relating to the time period of July and August 1992. Accordingly, the Trial Chamber will not further consider his evidence in this respect.

683. Based on the foregoing, the Trial Chamber finds that in July and August 1992 Bosnian-Muslim civilian detainees were kept at Partizan Hall. Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. The conditions were unhygienic and the detainees did not have hot water and were provided with insufficient food. Further, they had no access to medical care. The detainees lived in an atmosphere of intimidation. They were guarded by policemen.

684. During July and August 1992, Serb soldiers repeatedly raped Bosnian-Muslim women and girls, detained at Partizan Hall, at various places, including: a house in Ulica Osmana Đikića, a Muslim house in the Alazda neighbourhood, and a flat in the Brena apartment complex. Sometimes the same women were raped numerous times on the same day and by many soldiers simultaneously and consecutively. The Serb soldiers included Dragoljub Kunarac a.k.a. ‘Žaga’, Montenegrin soldiers under his command, and Janko Janjić (a.k.a. ‘Tuta’). The Trial Chamber recalls its finding in chapter 3.1.2 that Dragomir Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The perpetrator of rape also included Dragan Gagović, a.k.a. ‘Gaga’, the head of the Foča police.

685. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

<sup>2850</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 8; Milutin Vujičić, T. 24192, 24253,



*Schedule C.6.5*

686. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Foča high school during 1992.<sup>2851</sup> The Defence argued that the charge fails because the Indictment is geographically limited to Foča high school and the alleged sexual assaults did not take place at the school.<sup>2852</sup> It further argued that the guards outside the school tried to keep the soldiers from entering.<sup>2853</sup> Scheduled Incident C.6.5 is limited to unlawful detention, torture, beating, abuse, rape, other acts of sexual violence and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Foča high school. The Indictment is, however, not limited to the Scheduled Incidents.<sup>2854</sup> Accordingly, the Trial Chamber has not disregarded evidence which might fall outside the geographical scope of Scheduled Incident C.6.5. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events in the school. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,<sup>2855</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2856</sup>

687. The Muslim civilians held at the Foča high school were kept in unhygienic conditions and without hot water and were provided with insufficient food.<sup>2857</sup> There were also Muslim civilians held at the school without medical care.<sup>2858</sup> Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. Most of their houses were burnt down or ransacked. They were guarded and lived in an atmosphere of intimidation. All this was done in full view, in complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>2859</sup> **Witness RM-070** specified that she and others were

24259.

<sup>2851</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.5.

<sup>2852</sup> Defence Final Brief, para. 1566

<sup>2853</sup> Defence Final Brief, para. 1566

<sup>2854</sup> Further on this issue, *see* Appendix B.

<sup>2855</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>2856</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 44-52, 55, 58, 60-61; Witness RM-070, T. 17642.

<sup>2857</sup> Adjudicated Facts I, no. 613.

<sup>2858</sup> Adjudicated Facts I, no. 590.

<sup>2859</sup> Adjudicated Facts I, no. 613.

brought to the school on 3 July 1992 where they slept on mattresses covered with military blankets, had a water basin to wash themselves and access to toilets.<sup>2860</sup> Policemen in blue uniforms guarded the detainees day and night.<sup>2861</sup> In June 1992, Mitar Šipčić, from the Serb crisis staff in Foča, was in charge of the guards at the school.<sup>2862</sup>

688. Serb soldiers repeatedly raped Muslim women and girls, either at the Foča high school or elsewhere.<sup>2863</sup> The head of Foča police forces, Dragan Gagović, was one of the men who came to the school to take women out and rape them.<sup>2864</sup> All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>2865</sup> Dragoljub Kunarac removed many Muslim girls from various detention centers and kept some of them for various periods of time for him or his soldiers to rape.<sup>2866</sup> The girls and women, who were selected by Kunarac or by his men, were systematically taken to the soldiers' base, a house located in Ulica Osmana Đikića.<sup>2867</sup> There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself.<sup>2868</sup> **Witness RM-070** testified that on her second or third night at the school, the witness and two other women were removed by Dragan Zelenović and three other soldiers to another classroom where they were raped.<sup>2869</sup> Sometimes, the women were raped in the presence of others.<sup>2870</sup> At times the police officers guarding the entrance to the school attempted to stop the soldiers, however nobody opposed the soldiers after Dragan Zelenović hit one of the police officers severely.<sup>2871</sup> Although **Witness RM-070** was never beaten herself, she learned from other women that they were burnt with cigarettes and severely beaten.<sup>2872</sup> The witness identified several soldiers from the Foča high school: Slavo Ivanović, Kovač a.k.a. Micko, Janko Janjić a.k.a. Tuta, Dragan Zelenović

<sup>2860</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 37, 39-40; Witness RM-070, T. 17642-17643.

<sup>2861</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 41; Witness RM-070, T.17642.

<sup>2862</sup> Adjudicated Facts I, no. 585.

<sup>2863</sup> Adjudicated Facts I, no. 581.

<sup>2864</sup> Adjudicated Facts I, no. 614.

<sup>2865</sup> Adjudicated Facts I, no. 591.

<sup>2866</sup> Adjudicated Facts I, no. 598.

<sup>2867</sup> Adjudicated Facts I, no. 599.

<sup>2868</sup> Adjudicated Facts I, no. 599.

<sup>2869</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 44-45.

<sup>2870</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 45

<sup>2871</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 47; Witness RM-070, T. 17642.

<sup>2872</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 52.

a.k.a. Zeljo, Miki Živanović, and a man called Saša.<sup>2873</sup> On around the tenth day of her detention, TV reporters from Belgrade and Pale came to the Foča high school to interview the detainees about the living conditions at the school.<sup>2874</sup> Mitar Šipčić had advised the detainees to tell the journalists that they were treated well.<sup>2875</sup> Nobody told the journalists about the rapes because they were advised not to do so and feared getting killed.<sup>2876</sup>

689. Based on the foregoing, the Trial Chamber finds that in June and July 1992, Bosnian-Muslim civilian detainees were kept at the Foča high school. Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. The conditions were unhygienic and the detainees were without hot water and were provided with insufficient food. Further, they had no access to medical care. The detainees lived in an atmosphere of intimidation. The Foča high school was guarded by policemen and Mitar Šipčić, from the Serb crisis staff in Foča, was in charge of the policemen in June 1992.

690. In July 1992, Dragoljub Kunarac, Slavo Ivanović, Kovač a.k.a. Micko, Janko Janjić a.k.a. Tuta, Dragan Zelenović a.k.a. Zeljo, Miki Živanović, a man called Sasha, Dragan Gagović (the head of the Foča police), and others repeatedly raped Muslim women and girls, detained at the Foča high school, at the school and elsewhere in Foča. Some women were also severely beaten and burnt with cigarettes by the same persons. The Trial Chamber recalls its finding in chapter 3.1.2 that Dragoljub Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Dragan Zelenović a.k.a. Zelja was subordinate to Janko Janjić.

691. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

<sup>2873</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 46, 54.

<sup>2874</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 59; Witness RM-070, T. 17643.

<sup>2875</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), paras 59-62; Witness RM-070, T. 17643.

<sup>2876</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 62.

*4.3.3 Destruction of private and public property, including cultural monuments and sacred sites*

692. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.5, in Foča Municipality, between 12 May 1992 and 30 November 1995.<sup>2877</sup> In particular, the Indictment sets out that the Aladža mosque was destroyed at least between 12 May and August 1992.<sup>2878</sup> The Defence argued, relying on András Riedlmayer, that the evidence does not establish that the Aladža mosque was destroyed during the timeframe of the Indictment.<sup>2879</sup> It further argued that the evidence does not identify the perpetrators of the destruction.<sup>2880</sup> Scheduled Incident D.5 is limited to the destruction of the Aladža mosque. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the Scheduled Incidents.<sup>2881</sup> Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.5. The Trial Chamber took judicial notice of Adjudicated Facts 721 and 550-552 in relation to this charge. It also received evidence from **Witness RM-048**, a Bosnian Muslim from Bosnia-Herzegovina,<sup>2882</sup> **Witness RM-070**, a Muslim woman from Foča Municipality,<sup>2883</sup> **Witness RM-071**, a Bosnian Muslim from Foča,<sup>2884</sup> **Milutin Vujičić**, a Serb from Foča Municipality,<sup>2885</sup> **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,<sup>2886</sup> and **András Riedlmayer**, bibliographer and art documentation specialist.<sup>2887</sup> Moreover, the Trial Chamber received a considerable amount of evidence on alleged destruction in Foča Town and Municipality prior to 12 May 1992, which falls outside the temporal scope of

<sup>2877</sup> Indictment, paras 47, 52, 59(j), Schedule D.5.

<sup>2878</sup> Indictment, Schedule D.5.

<sup>2879</sup> Defence Final Brief, paras 1569, 1572, 1574.

<sup>2880</sup> Defence Final Brief, paras 1570, 1572-1573, 1574.

<sup>2881</sup> Further on this issue, *see* Appendix B.

<sup>2882</sup> P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.

<sup>2883</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).

<sup>2884</sup> P2937 (RM-071, witness statement, 5 July 1995), pp. 1-2.

<sup>2885</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1 and paras 1, 9.

<sup>2886</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

<sup>2887</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

the Indictment in relation to Count 3 and will therefore not be further considered in this section.

*Destruction of the Aladža Mosque*

693. In Foča Town and Municipality, the Aladža mosque dating from 1555 and under UNESCO protection was blown up, and the mosque in the Granovski Sokak neighbourhood was destroyed.<sup>2888</sup> The Trial Chamber heard evidence from a number of witnesses with regard to the Aladža mosque. **Witness RM-070** testified that the mosque was blown up on 2 August 1992 at around 11:40 p.m.<sup>2889</sup> **Witness RM-071** stated that from 24 April 1992 until about 26 June 1992 at night, Muslim homes in Foča Town were set on fire, and all the mosques in town, including the Aladža mosque, were destroyed.<sup>2890</sup>

694. **Milutin Vujičić** testified that the Aladža mosque was used to store weapons that were under the control of Muslim forces.<sup>2891</sup> According to him, a Serb civilian was killed by a Muslim shooter who was positioned in the mosque minaret, but the mosque was not damaged or destroyed in the first clashes that took place around 8 April 1992.<sup>2892</sup> It was barricaded with tape saying ‘do not approach, danger’.<sup>2893</sup> It stayed like this until August 1992 when an unidentified individual, or group, broke into it and lit the explosives, blowing it up and damaging over 50 buildings in the close vicinity, some of which were owned by Muslims.<sup>2894</sup>

695. According to **András Riedlmayer**, ‘Serb extremists’ blew up the Aladža mosque in April-May 1992.<sup>2895</sup> Its ruins were razed and the site was levelled in August 1992.<sup>2896</sup> During his July 2002 site visit, he observed that the circular base of the

<sup>2888</sup> Adjudicated Facts IV, no. 721.

<sup>2889</sup> P2422 (Witness RM-070, witness statement, 18 November 1995), para. 75; Witness RM-070, T. 17666-17667.

<sup>2890</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.

<sup>2891</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 11; Milutin Vujičić, T. 24244.

<sup>2892</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 12-13; Milutin Vujičić, T. 24201.

<sup>2893</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 13.

<sup>2894</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 13-14; Milutin Vujičić, T. 24248, 24250.

<sup>2895</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report dated 30 September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013); András Riedlmayer, T. 17955.

<sup>2896</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report

mosque's ablution fountain, scattered stones from the destroyed building, and the outlines of the mosque's foundation remained.<sup>2897</sup> Riedlmayer classified the adjacent building as 'lightly damaged'.<sup>2898</sup> After the end of the war, sizeable fragments, identified as parts of the Aladža mosque, were found in the Čehotina River and parts of a portico, a moulded cornice, fragments of columns, parts of the mihrab, the entrance portal and the minaret of the mosque were found buried on the Drina River bank in August 2004.<sup>2899</sup>

*Destruction of other mosques, religious buildings and Muslim houses in Foča Town and Municipality*

696. **Witness RM-048** testified that while kept at a house in Foča, she heard an explosion at night around 5 August 1992 and one of Kunarac's men told her that the mosque had been blown up.<sup>2900</sup> He said that it was 'Žaga again'.<sup>2901</sup> The witness also testified that while walking around in Foča she saw that the old part of the city and all mosques were destroyed.<sup>2902</sup> She also learned from Serb soldiers that most houses belonging to Muslims had been burned.<sup>2903</sup>

697. Outside Foča Town, Serb forces carried on their military campaign to take over or destroy Muslim villages in Foča Municipality.<sup>2904</sup> Villages in Foča Municipality sustained attacks until some time in early June 1992.<sup>2905</sup> Once towns and villages were securely in their hands, the Serb forces – the military, the police, the paramilitaries and, sometimes, even Serb villagers – applied the same pattern: Muslim houses and

dated 30 September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013); Andrés Riedlmayer, T. 17904-17905.

<sup>2897</sup> P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 50; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013); Andrés Riedlmayer, T. 17904-17906.

<sup>2898</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>2899</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>2900</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 29; Witness RM-048, T. 8862-8863.

<sup>2901</sup> Witness RM-048, T. 8862-8863.

<sup>2902</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 64.

<sup>2903</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 64; Witness RM-048, T. 8862.

<sup>2904</sup> Adjudicated Facts IV, no. 550.

<sup>2905</sup> Adjudicated Facts IV, no. 551.

apartments were systematically ransacked or burned down, Muslim villagers were rounded up or captured, and sometimes beaten or killed in the process.<sup>2906</sup>

698. **Trivko Pljevaljčić** testified that Muslim forces used their religious facilities, such as those in Donje Polje and Gornje Polje, for military purposes including training and storing weapons.<sup>2907</sup>

699. The Trial Chamber also received evidence from Riedlmayer on the destruction of mosques, mektebs and other religious buildings in Foča Town and Municipality throughout the spring and summer of 1992.<sup>2908</sup> For some of these actions, Riedlmayer identified ‘Serb forces’, ‘Serb extremists’ or ‘irregulars’ as the perpetrators.<sup>2909</sup> In Foča Town, only two Ottoman-era structures remained intact after the war: the Kukavica clock tower and the Great Han of Mehmed Pasha, both located across the Kukavica mosque and *medresa*.<sup>2910</sup>

700. The Trial Chamber notes that Riedlmayer obtained the evidence about time and perpetrators of the destruction of mosques and other religious buildings in Foča Town and Municipality during interviews in 2002 with Safet Jahić, secretary of the Medžlis of the Islamic Community of Foča and long-time Foča resident. However, Riedlmayer’s report and its annexes, including the database, do not contain records of these interviews or provide information on Jahić’s basis of knowledge concerning the destruction of mosques in Foča Town and Municipality. In particular, it is unclear whether Jahić obtained the information he provided through personal observation or through other sources, that is to say whether the evidence is based on ‘first-hand’ or ‘second-hand’ information or on even more distant hearsay. For these reasons, the Trial Chamber considers that it cannot rely on the evidence concerning the time of destruction and perpetrators. In the absence of further evidence, the Trial Chamber is unable to identify the timeframe and the perpetrators of the destruction of mosques, mektebs and other

<sup>2906</sup> Adjudicated Facts IV, no. 552.

<sup>2907</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), paras 8, 15.

<sup>2908</sup> P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 37, 62-63; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report dated 30 September 2013), pp. 2-6; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013); Andrés Riedlmayer, T. 17899-17902, 18003-18012.

<sup>2909</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report dated 30 September 2013), pp. 2-6; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

<sup>2910</sup> P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 37; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

religious buildings in Foča Town and Municipality and will not further consider these incidents in relation to Count 3 of the Indictment.

701. The Trial Chamber has received divergent evidence concerning the date of damage caused to the Aladža mosque in Foča Town. The Trial Chamber will not rely on Riedlmayer's evidence on the date of destruction, coming from Safet Jahić, secretary of the Medžlis of the Islamic Community of Foča and long-time Foča resident, as this source lacks a basis of knowledge in this instance. The Trial Chamber further notes that the broad timeframe of destruction provided by Witness RM-071 corresponds to the time the witness stayed in Foča Town and that her evidence refers to destruction taking place in the entire town. Witness RM-070, who was detained in a house approximately 20 metres away from the mosque at this time, testified that the mosque was blown up on 2 August 1992. This witness's evidence is corroborated by Milutin Vujičić's evidence that the mosque remained untouched until it was blown up in early August 1992. In light of the above, the Trial Chamber finds that the Aladža mosque in Foča Town was blown up and destroyed on 2 August 1992. With regard to the perpetrators of the destruction, the Trial Chamber will not rely on Riedlmayer's second-hand evidence on the perpetrators for the same reason as explained above with regard to the timeframe of the destruction. In the absence of further evidence on the identity or affiliation of the perpetrators, the Trial Chamber is unable to establish who blew up the Aladža mosque. Under these circumstances, the Trial Chamber will not further consider this incident in relation to Count 3 of the Indictment.

702. Based on Witness RM-048's evidence, the Trial Chamber finds, that one mosque in Foča Town was blown up at night time around 5 August 1992 by 'Žaga's men'. The Trial Chamber recalls its finding in chapter 3.1.2 that Dragomir Kunarac a.k.a. Žaga headed his own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8, below.

703. With regard to the destruction of other mosques located in Foča Town, the Trial Chamber received evidence from Witnesses RM-071 and RM-048. Based on this evidence, the Trial Chamber finds that between 24 April and approximately 26 June 1992 all other mosques in Foča Town were destroyed. In particular, the mosque in the Granovski Sokak neighbourhood was destroyed. The Trial Chamber has not received any evidence on the perpetrators of the aforementioned destructions and is therefore



unable to identify them. Therefore, the Trial Chamber will not further consider these incidents in relation to Count 3 of the Indictment.

704. Based on the above, the Trial Chamber further finds that villages of the municipality were attacked until early June 1992 and once secured, Serb forces – the military, the police, the paramilitaries, and sometimes Serb villagers – burned down Muslim houses and apartments. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

#### *4.3.4 Appropriation or plunder of property*

705. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.3.5 Forced labour and human shields*

706. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Foča Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.<sup>2911</sup> The Trial Chamber received evidence from **Witness RM-013**, **Witness RM-046**, **Witness RM-070**, and **Witness RM-086**, Bosnian Muslims from Foča,<sup>2912</sup> in relation to allegations of forced labour in Foča Municipality.

707. **Witness RM-046** testified that detainees of KP Dom Foča, usually unqualified persons or craftsmen, including Salko Meandžo, were taken out for ‘forced labour’.<sup>2913</sup> According to the witness, they had to work in a metal factory, a furniture factory, and carry out other labour such as farming, chopping wood in the winter, and cutting grass

<sup>2911</sup> Indictment, paras 39(c), 47, 59(h).

<sup>2912</sup> **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), p.1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1. The evidence of Witness RM-013 is also reviewed in chapter 4.3.2 *Schedule C.6.1*; **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2. ; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012). The evidence of Witness RM-046 is also reviewed in chapter 4.3.2 *Schedule C.6.1*; **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070). The evidence of Witness RM-070 is also reviewed in chapter 4.3.2 *Schedule C.6.2*; **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. The evidence of Witness RM-086 is also reviewed in chapter 4.3.2 *Schedule C.6.1*.

<sup>2913</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 8.

to collect hay.<sup>2914</sup> The director of the KP Dom, Milorad Krnojelac, took detainees out of the prison to fix his house and a café in front of it.<sup>2915</sup> **Witness RM-013** testified that he was not forced to work during 1992, but from February until December 1993 he had to work in the prison.<sup>2916</sup> From December 1993 for approximately four months, Savo Todović ordered the witness to work in the Miljevina mine along with 15 others.<sup>2917</sup> They were taken to the mine by a prison car and would work from 7 a.m. to 3 p.m.<sup>2918</sup> After two days of work in the mine, the witness felt pain in his hip, which had been dislocated before the war, and went to the doctor in the prison.<sup>2919</sup> The doctor put him on leave for a week, but after one day Todović ordered him back to work.<sup>2920</sup> The witness also had to work at the Brioni farm and on other work details at the camp.<sup>2921</sup>

708. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and early July 1993, a number of people detained at the KP Dom in Foča, guarded by MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, were taken out, including by Milorad Krnojelac, to perform agricultural work, such as chopping wood in the winter, as well as construction, factory work, or to dig trenches. Working groups of carpenters, mechanics, masons, lumbermen, and farmers existed at KP Dom. The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.1* that the detainees at KP Dom were non-Serb civilian men, mostly of Bosnian-Muslim ethnicity. In particular, the Trial Chamber finds that from December 1993 to March 1994, Savo Todović, head of workers at KP Dom, ordered a Bosnian-Muslim detainee, Witness RM-013, and 15 other detainees to work in the Miljevina mine and to perform agricultural work. The Chamber further finds that between 2 or 3 August 1992 and 30 October 1992, Radovan Stanković (*see* chapter 4.3.2 *Schedule C.6.2*) forced Bosnian-Muslim women and girls detained in Karaman's house to perform household chores for the soldiers, and in particular to wash uniforms and cook for them. With regard to these incidents, the Trial Chamber also recalls its finding in chapter 4.3.2 with regard to the

<sup>2914</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 8; Witness RM-046, T. 7044.

<sup>2915</sup> P739 (Witness RM-046, witness statement, 20 October 1998), p. 3.

<sup>2916</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.

<sup>2917</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), paras 21, 23.

<sup>2918</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.

<sup>2919</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 23.

<sup>2920</sup> P983 (Witness RM-013, witness statement, 20 May 1996), para. 23.

<sup>2921</sup> P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.

conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

#### *4.3.6 Imposition and maintenance of restrictive and discriminatory measures*

709. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Foča Municipality between 12 May 1992 and 30 November 1995.<sup>2922</sup> The Prosecution argued that such measures included the dismissal of Bosnian Muslims from jobs or that they were prevented or discouraged from reporting to work.<sup>2923</sup> The Prosecution further argued that Bosnian Muslims were ordered to surrender their weapons, that the Bosnian-Serb military forces and police enforced restrictions on Muslim movement and association, that Bosnian-Muslim apartments were re-allocated to Bosnian Serbs, and that Bosnian-Muslim businesses were looted and burned.<sup>2924</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-071**, a Bosnian Muslim from Foča,<sup>2925</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2926</sup>

710. In Foča Municipality, restrictions were placed on the movement of non-Serbs.<sup>2927</sup> In April and May 1992, Muslims stayed in apartments in Foča under virtual house arrest, either in hiding or at the order of Serb soldiers.<sup>2928</sup> A police car with a loudspeaker went through the town announcing that Muslims were not allowed to move about the town. A similar announcement was made over the radio. At the same time, the Serb population could move around freely, with the exception of a curfew from 8 p.m. to 6 a.m. imposed on all inhabitants.<sup>2929</sup> Muslims were forbidden to meet with each other.<sup>2930</sup> **Witness RM-071** testified that the restrictions on movement were in place during three months following her release on 24 April 1992 and 26 June 1992, and that they included that Muslims were not allowed to gather in large groups in the streets.<sup>2931</sup>

<sup>2922</sup> Indictment, paras 47, 59(k).

<sup>2923</sup> Prosecution Final Brief, Annex A, p. 33.

<sup>2924</sup> Prosecution Final Brief, Annex A, pp. 33-34.

<sup>2925</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2.

<sup>2926</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), p. 11.

<sup>2927</sup> Adjudicated Facts I, no. 570.

<sup>2928</sup> Adjudicated Facts I, no. 572.

<sup>2929</sup> Adjudicated Facts I, no. 570.

<sup>2930</sup> Adjudicated Facts I, no. 571.

<sup>2931</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.

Further, Muslims were not allowed to bury their dead in the graveyard or to publish funeral notices.<sup>2932</sup> Military checkpoints were established, controlling access in and out of Foča and its surrounding villages.<sup>2933</sup>

711. In relation to the Prosecution's argument that Bosnian Muslims in Foča Municipality were dismissed from their jobs or prevented or discouraged from reporting to work, the Trial Chamber considers that the evidence received is outside the temporal scope of the Indictment in relation to Count 3 and will therefore not further consider it.

712. Based on the foregoing, the Trial Chamber finds that from 12 May to July 1992, restrictions of movement were placed on Bosnian Muslims while Serbs could move freely, with the exception of a night curfew imposed on all inhabitants. For example, Bosnian Muslims were not allowed to visit each other, gather in larger groups in the streets, or bury their dead in the graveyard. These restrictions were imposed by Serb soldiers and the police. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8, below.

#### *4.3.7 Forcible transfer and deportation*

713. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Foča Municipality between 12 May 1992 and 30 November 1995.<sup>2934</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.<sup>2935</sup> The Defence argued that (i) a large part from the population of Foča left voluntarily and on their own; (ii) convicted prisoners at KP Dom were released into Foča and a radio broadcast stated that approximately 5,000 'Chetniks' were heading towards Foča, which caused fear in the region, irrespective of ethnicity; and (iii) no reliable evidence was presented that demonstrates any intent to 'permanently remove' by the Accused or nor that there was an association between any departures and the

<sup>2932</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.

<sup>2933</sup> Adjudicated Facts I, no. 573.

<sup>2934</sup> Indictment, paras 47, 59(f), 67-68.

<sup>2935</sup> Indictment, para. 70.

Accused.<sup>2936</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.<sup>2937</sup> It also received evidence from **Witness RM-063** and **Witness RM-071**, Bosnian Muslims from Foča;<sup>2938</sup> **Božidar Krnojelac**, a Serb member of the ‘village guards’ in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;<sup>2939</sup> and **Milutin Vujičić**, a Serb from Foča Municipality,<sup>2940</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>2941</sup> The Trial Chamber further received evidence from **Witness RM-012**, a Bosnian Muslim from Foča who was detained in KP Dom from 26 May 1992 until 18 September 1992;<sup>2942</sup> **Witness RM-086** and **Witness RM-046**, Bosnian Muslims from Foča;<sup>2943</sup> **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality,<sup>2944</sup> **Witness GRM-277**, a Bosnian Serb who worked in Foča Municipality as of 1991;<sup>2945</sup> **Svetozar Petković**, a Montenegrin Serb and SDS member who lived in Foča during the war;<sup>2946</sup> and **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,<sup>2947</sup> as well as documentary evidence.<sup>2948</sup>

<sup>2936</sup> Defence Final Brief, paras 1512-1516.

<sup>2937</sup> Adjudicated Facts 550-552 are reviewed in chapter 4.3.3 and Adjudicated Fact 706 is reviewed in chapter 4.3.1 *Schedule B.5.1*.

<sup>2938</sup> **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. **Witness RM-071**: P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2.

<sup>2939</sup> D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.

<sup>2940</sup> D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1, paras 1, 9.

<sup>2941</sup> **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 2. **Witness RM-071**: P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 11-12; P2938 (Release papers), pp. 1-4. **Božidar Krnojelac**: Božidar Krnojelac, T. 25980. **Milutin Vujičić**: Milutin Vujičić, T. 24192, 24227, 24233..

<sup>2942</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.

<sup>2943</sup> **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012).

<sup>2944</sup> P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2. The evidence of Maida Čedić is reviewed in chapter 4.3.2 *Schedule C.6.2*.

<sup>2945</sup> D685 (Witness GRM-277, witness statement, 8 June 2014), p. 1, paras 1-2, 10; Witness GRM-277, T. 26711-26712.

<sup>2946</sup> D681 (Svetozar Petković, witness statement, 8 June 2014), p. 1, para. 1; Svetozar Petković, T. 26576.

<sup>2947</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

<sup>2948</sup> Evidence of Witness RM-012 is also reviewed in chapter 4.5.2 and 4.5.7; evidence of Witness RM-086 is reviewed in chapter 4.3.2 *Schedule C.6.1*; the evidence of Maida Čedić is reviewed in chapter 4.3.2 *Schedule C.6.3*.

714. **Witness GRM-277** testified that Muslims and Serbs sent their children away in March 1992.<sup>2949</sup> **Svetozar Petković**, a Montenegrin Serb and SDS member who lived in Foča during the war,<sup>2950</sup> testified that a majority of Foča town's Muslim population left Foča around 8 and 9 April 1992 due to an inaccurate Radio Sarajevo broadcast from journalist Šemso Tucaković, which the witness heard, stating that 5,000 armed 'Chetniks' from Montenegro were approaching Foča.<sup>2951</sup> **Božidar Krnojelac** testified that throughout the fighting in Foča from 8 to 11 April 1992, several thousand Muslims (both armed and civilians) left Foča via an open road to Goražde.<sup>2952</sup> **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,<sup>2953</sup> testified that some of Foča's Muslim inhabitants left the municipality before the conflict began.<sup>2954</sup> Between April and August 1992, after the fighting broke out in Foča, the civilian population started to leave town of their own accord during the night, and they were allowed to do so safely.<sup>2955</sup> Buses were provided to take them to Serbia or Macedonia 15 to -20 days after Foča's 'liberation'.<sup>2956</sup>

715. In May 1992, buses were organised to take civilians out of Foča, and, around 13 August 1992, the remaining Muslims in the town, mostly women and children, were taken away to Rožaje, Montenegro.<sup>2957</sup> **Witness RM-071** and her family left Foča and arrived in another country on 11 July 1992.<sup>2958</sup> On 23 October 1992, a group of women and children from the municipality, having been detained for a month at Partizan Sports Hall, were 'deported' by bus to Goražde.<sup>2959</sup> **Witness RM-012** was brought from KP Dom to the Kalinovik police station on 18 September 1992 with one other person. According to the witness, he heard the military commander of Kalinovik, Bundalo, giving orders to the police not to abuse the detainees and to give them food.<sup>2960</sup> As a result, the witness himself was not physically abused during the time of his detention in

<sup>2949</sup> D685 (Witness GRM-277, witness statement, 8 June 2014), para. 4.

<sup>2950</sup> D681 (Svetozar Petković, witness statement, 8 June 2014), p. 1, para. 1; Svetozar Petković, T. 26576.

<sup>2951</sup> D681 (Svetozar Petković, witness statement, 8 June 2014), para. 3; Svetozar Petković, T. 26565.

<sup>2952</sup> D650 (Božidar Krnojelac, witness statement, 8 March 2014), paras 6-7; Božidar Krnojelac, T. 25953-25954.

<sup>2953</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

<sup>2954</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 12.

<sup>2955</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), paras 12-13.

<sup>2956</sup> D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 12.

<sup>2957</sup> Adjudicated Facts I, no. 724.

<sup>2958</sup> P2937 (Witness RM-071, witness statement, 5 July 1995), p. 11.

<sup>2959</sup> Adjudicated Facts I, no. 725.

<sup>2960</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

the police station.<sup>2961</sup> The witness was taken out of the police station on 21 March 1993 by ‘Serb soldiers’.<sup>2962</sup> One of them, either Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun, threatened the witness by putting a knife to his throat and a rifle to his temple.<sup>2963</sup> The witness was asked to curse Alija and his daughter.<sup>2964</sup> The ‘soldier’ told him that he had only 15 minutes left to live, but finally let him go.<sup>2965</sup> The witness was exchanged on 24 March 1993 at the Sarajevo airport.<sup>2966</sup> **Witness RM-046** testified that he and some other detainees from KP Dom were transferred to Kula on 5 July 1993 and exchanged from there on 15 June 1994.<sup>2967</sup> By the end of the war in 1995, Foča had become an almost purely Serb town.<sup>2968</sup> Many Muslims left the municipality out of fear for their safety.<sup>2969</sup> In order to leave they had to arrange for certificates from the local police and sign a form transferring whatever property they had to the Bosnian-Serb Republic.<sup>2970</sup> On 17 September 1992 in a meeting held in Foča, Mladić was informed by Miroslav Stanić, Head of the Foča War Presidency, that before the war, 51 per cent of the population of Foča was Bosnian Muslim but that at the time of the meeting, Serbs represented 99 per cent of the population in Foča.<sup>2971</sup>

716. The Trial Chamber received further evidence concerning the reasons and circumstances surrounding the departure of the inhabitants of Foča Municipality. **Milutin Vujičić** testified that most Muslims left Foča with the withdrawal of the Green Berets and the Patriotic League towards Ustikolina and Goražde.<sup>2972</sup> During the summer of 1992, they lived as they wished and upon applying to leave they were told that there was no need to leave, that they were safe just like all the citizens in Foča, and that they could stay.<sup>2973</sup> When they left, they left on the pretext that they were reuniting with their families.<sup>2974</sup> The witness testified that both Muslim and Serb civilians left Foča, for the majority, before and at the time of the conflict, and that the Muslim inhabitants were not

<sup>2961</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2962</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2963</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2964</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>2965</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 5-6.

<sup>2966</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 5-6.

<sup>2967</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 5; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; Witness RM-046, T. 7014.

<sup>2968</sup> Adjudicated Facts I, no. 726.

<sup>2969</sup> Adjudicated Facts I, no. 727.

<sup>2970</sup> Adjudicated Facts I, no. 727.

<sup>2971</sup> P355 (Mladić notebook, 10-30 September 1992), pp. 60, 66.

<sup>2972</sup> Milutin Vujičić, T. 24192, 24226-24227, 24233.

<sup>2973</sup> Milutin Vujičić, T. 24192, 24227.

<sup>2974</sup> Milutin Vujičić, T. 24192, 24226.

expelled.<sup>2975</sup> **Witness RM-086** stated that on 6 April on his way home, he saw a ‘war-like’ situation in Foča and that Serbs were moving from their houses, loading things on their cars, and going in the direction of Čelebić and Montenegro.<sup>2976</sup> According to **Vujičić**, after the conflict Foča was majority Muslim, at least over 50 per cent.<sup>2977</sup> While the authorities were Serb, the population of Foča consisted of Serb, Croat, Montenegrin, Muslim, and other ethnic groups.<sup>2978</sup>

717. According to a letter from the Chairman of the Foča War Commission, Miroslav Stanić, dated 18 June 1992, Serbs and Muslims left Foča Municipality because of the war.<sup>2979</sup> The civilian and military authorities of the Serb municipality initially prevented both Serbs and Muslims from leaving the territory of the municipality.<sup>2980</sup> Following a discussion with a representative of the Bosnian-Serb Government, the Foča War Commission concluded that the civilian and military authorities shall allow all ‘loyal’ citizens who had not violated the laws of the Republic or done anything to endanger the safety of the Serb people in the area to leave.<sup>2981</sup> The executive committee was tasked to draw up a list of property which could not be transported and remained in the municipality.<sup>2982</sup> The civilian and military authorities were asked to arrange transportation and provide security.<sup>2983</sup>

718. With regard to the Defence submission that convicted prisoners at the KP Dom facility were released, causing fear and thereby compelling a majority of Bosnian Muslims and some Bosnian Serbs to leave, the Trial Chamber considers that Zoran Nikolić testified that the release of such prisoners happened prior to the inhabitants actually leaving Foča.<sup>2984</sup> The Trial Chamber will therefore not further consider this submission.

719. The Trial Chamber finds that Milutin Vujičić’s evidence concerning the reasons for the departure of Muslims from Foča Municipality and on the ethnic composition of the municipality at the end of the conflict is vague, lacks a basis of knowledge, and

<sup>2975</sup> Milutin Vujičić, T. 24226-24227, 24229-24230, 24232.

<sup>2976</sup> P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 7-8.

<sup>2977</sup> Milutin Vujičić, T. 24227-24228.

<sup>2978</sup> Milutin Vujičić, T. 24230.

<sup>2979</sup> P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), pp. 1-2.

<sup>2980</sup> P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.

<sup>2981</sup> P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.

<sup>2982</sup> P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.

<sup>2983</sup> P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.

<sup>2984</sup> Zoran Nikolić, T. 24327-24328.



amounts to unsubstantiated opinion. Moreover, the Trial Chamber finds that his evidence that people left on the pretext of reuniting with family or due to the war, even if it were reliable, does not exclude other reasons for departure and therefore does not contradict other evidence before the Trial Chamber. Similarly, the Trial Chamber finds that Trivko Pljevaljčić's evidence concerning the circumstances surrounding the departure of the civilian population from Foča between April and August 1992, namely that they did so on their own accord and were allowed to do so safely, is vague and lacks a basis of knowledge. Moreover, it finds that even if his evidence was reliable, it does not exclude the possibility that others left under different circumstances and therefore does not contradict other evidence before the Trial Chamber.

720. Based on the foregoing, the Trial Chamber finds that some people, including part of the Bosnian-Muslim population, already left Foča Municipality in March and April 1992, thus falling outside the temporal scope of the Indictment in relation to counts 3 and 7-8. The Trial Chamber further finds that from July until 13 August 1992, Bosnian-Muslim civilians, including Witness RM-071 and her family, left Foča Municipality for other countries. With regard to the reason for civilians leaving, the Trial Chamber recalls its findings in chapter 4.3.2 that from 12 May 1992 onwards throughout the summer of 1992, non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, and Bosnian-Muslim women and girls, were detained at several locations, such as KP Dom, Partizan Hall, Foča high school, 'Karaman's house', Bukovica Motel, and the worker's huts in Buk Bijela. It further recalls its findings in chapter 4.3.1 that in June and July 1992, members of the military and guards of KP Dom, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, killed 36 Bosnian-Muslim detainees inside KP Dom, and that after the attack in early July 1992 on the Bosnian-Muslim village of Mješaja/Trošanj, local Serb soldiers shot and killed seven Bosnian-Muslim men. In addition, it recalls its finding in chapter 4.3.3 that villages of the municipality were attacked until early June 1992 and once secured, the Serb forces - the military, the police, the paramilitaries and, sometimes, even Serb villagers - burned down Muslim houses and apartments. Finally, the Trial Chamber recalls its finding in chapter 4.3.6 that from 12 May to July 1992, restrictions of movement were placed on Bosnian-Muslims while Serbs could move freely, with the exception of a night curfew imposed on all inhabitants. The Trial Chamber further finds that civilian and military authorities of the Serb municipality had initially prevented Serbs and Muslims from

leaving the territory of the municipality but following a discussion with a representative of the Bosnian-Serb Government, allowed all 'loyal' citizens who had not violated the laws of the Republic or done anything to endanger the safety of the Serb people in the area to leave. Following a discussion with a representative of the Bosnian-Serb Government in mid-June 1992, the Foča War Commission tasked the civilian and military authorities to arrange transportation and provide security to individuals leaving the municipality. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

721. The Trial Chamber also finds that on 26 June 1992, a bus and police cars with 'chetniks' took women detained at the Bukovica motel to Novi Pazar in Serbia. A day prior to their departure, Gojko Janković and Pedro Gašević had said that they would send the women out of Foča due to impossibility to control the 'gangs'. The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.3* that one of the women was Bosnian Muslim. The Trial Chamber will further consider the above with regard to the Bosnian-Muslim woman in relation to Counts 3 and 7-8 of the Indictment.

722. The Trial Chamber further finds that on 10 November 1992, Witness RM-063, a Bosnian Muslim from Foča, was taken from KP Dom to Kalinovik where he was beaten by the military police of Konjić and by Serb soldiers called 'Gardisti', eventually taken by three policemen to Dobro Polje and ordered to walk towards Rogaj in ABiH-controlled territory. Witness RM-086, a Bosnian Muslim, was taken from KP Dom to Kalinovik by men wearing SMB uniforms and identified as 'chetniks' on 8 December 1992, beaten, and exchanged on 12 December 1992. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

723. The Trial Chamber finds that on 18 September 1992, a Bosnian-Muslim KP Dom detainee from Foča, Witness RM-012, was taken from KP Dom to the Kalinovik police station. On 21 March 1993, 'Serb soldiers', including Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun, took him out of the police station, threatened him with a knife and a rifle, and told him he only had 15 minutes left to live before letting him go. On 24 March 1993, he was exchanged at the Sarajevo airport. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

724. The Trial Chamber also finds that on 23 October 1992, a group of women and children from Foča Municipality, having been detained for a month at Partizan Sports

Hall, were taken by bus to Goražde. The Trial Chamber recalls its finding in chapter 4.3.2 Schedule C.6.4 that the detainees at the Partizan hall were Bosnian Muslims. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

725. Furthermore, the Trial Chamber finds that on 15 June 1994, Witness RM-046, a Bosnian Muslim from Foča Municipality was exchanged after detention at KP Dom until July 1993 and then at Kula prison. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

#### 4.4 Ilidža Municipality

##### *4.4.1 Murder*

726. Scheduled incident B.6.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73bis (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence with regard to any other murder incidents in Ilidža Municipality. The Trial Chamber therefore finds that the murder charge in relation to this municipality has not been proven.

##### *4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

###### *Schedule C.8.1*

727. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions taking place in the KP Dom Butmir (Kula prison) in Ilidža Municipality between at least 12 May 1992 and 28 October 1994.<sup>2985</sup> The Defence submitted that only combatants were permitted to be detained in the Kula prison, and that the prisons rulebook was in accordance to the Geneva Conventions.<sup>2986</sup> It further argued that detainees were not subjected to inhumane conditions, and that journalists and the ICRC visited the prison and concluded that it was well-run and there was no evidence of maltreatment.<sup>2987</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the Kula prison. It reviewed P4119 and finds that it is consistent with the Adjudicated Facts.<sup>2988</sup> It also received evidence from **Mehmed Musić**, a Bosnian Muslim from the exclusively Muslim village of Musići in the Hadžići Municipality of Sarajevo;<sup>2989</sup> **Safet Gagula**, a Bosnian Muslim from Knežina in the Sokolac Municipality;<sup>2990</sup> **Witness RM-046**, a Bosnian Muslim from Foča;<sup>2991</sup> **Edward Vulliamy**, a journalist for the Guardian who covered events in

<sup>2985</sup> Indictment, paras 47, 53, 59(b)-59(d), 59(g), Schedule C.8.1.

<sup>2986</sup> Defence Final Brief, para. 1324.

<sup>2987</sup> Defence Final Brief, paras 1325-1327.

<sup>2988</sup> P4119 (Telephone intercept of conversation between Branko Đerić and Mićo Stanišić, May 1992).

<sup>2989</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), p. 1, paras 5-6.

<sup>2990</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

<sup>2991</sup> P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012).

Bosnia-Herzegovina in the period between 1992 and 1995;<sup>2992</sup> and **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995;<sup>2993</sup> as well as documentary evidence.<sup>2994</sup>

728. From the outbreak of conflict until October 1992, Kula prison accommodated 10,000 Muslim civilians of all ages, for periods ranging from a few days to several months.<sup>2995</sup> In several cases, detainees were transferred to Kula from the Lukavica barracks.<sup>2996</sup> Between 12 and 20 May 1992, 118 unarmed persons, including 31 from Dobrinja, were detained by TO forces on various grounds at Kula.<sup>2997</sup> On 20 May 1992, Novi Grad SJB Chief Milenko Tepavčević emphasised the urgency in resolving the future status of the detainees at Kula and undertaking preventive measures concerning the health of detainees, as well as the inadequate conditions of accommodation, food, and hygiene.<sup>2998</sup> Kula was under the Serb MUP jurisdiction until the beginning of August 1992, when it was taken over by the MoJ.<sup>2999</sup> In Kula, detainees were regularly beaten.<sup>3000</sup>

729. Three witnesses testified about their experiences at Kula and complemented information provided through the Adjudicated Facts. **Mehmed Musić** stated that he was taken from a detention facility in Lukovica to the Kula prison on 23 June 1992.<sup>3001</sup> There, he saw Milenko Bjelica and Slobodan Avlijaš from Hadžići, the latter wearing a blue-brown camouflage uniform.<sup>3002</sup> At the prison, he was kept in a small room with about 100 people until 30 June 1992 when 75 'elderly' people were released from his and another room.<sup>3003</sup> The detainees had permission to use the toilet twice a day.<sup>3004</sup> They were handed a bucket which had a hole in it and therefore caused a terrible

<sup>2992</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

<sup>2993</sup> P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343.

<sup>2994</sup> P4008 and P4146 are reviewed in chapter 4.2.2 *Schedule C.2.1*.

<sup>2995</sup> Adjudicated Facts I, no. 1213.

<sup>2996</sup> Adjudicated Facts I, no. 1218.

<sup>2997</sup> Adjudicated Facts I, no. 1214.

<sup>2998</sup> P3784 (Dispatch of Bosnian-Serb MUP concerning Kula prison, signed by Milenko Tepavčević, 20 May 1992), p. 2.

<sup>2999</sup> Adjudicated Facts I, no. 1215.

<sup>3000</sup> Adjudicated Facts I, no. 1216.

<sup>3001</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 69-70, 92.

<sup>3002</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 92-93.

<sup>3003</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 94, 96.

<sup>3004</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 94.

smell.<sup>3005</sup> On one occasion, he was interrogated by Predrag Čeranić and another middle-aged ‘Chetnik’ with black hair.<sup>3006</sup> After being moved to a different room, food rations and toilet opportunities improved, and the witness had a mattress and was treated fairly by the prison commander.<sup>3007</sup> In the prison, Musić also saw Momčilo Mandić several times.<sup>3008</sup> Musić recognised Mandić because he had seen him on television before.<sup>3009</sup> On 21 July 1992, Musić was taken to the MUP police station.<sup>3010</sup> **Safet Gagula**, along with other detainees from the Batković camp near Bijeljina, was transferred to Kula on 22 or 23 June 1993, where they were told they had been brought for exchange.<sup>3011</sup> The witness identified the warden as a man called Škiljević, a.k.a. ‘Soniboj’, and the commanders of the guard as Božo Radović and Neđo Pandurević.<sup>3012</sup> The prison chief was Ilija Sorak and the guards the witness remembered were men called Vuleta, Delibara, Samardžija, Četka, and two Mandićs.<sup>3013</sup> **Witness RM-046** testified that he was taken to Kula on 5 July 1993, from where he was exchanged on 15 June 1994.<sup>3014</sup> At the time of his arrival to Kula, there were approximately 80-100 detainees, all of them civilians; most of them were Bosniaks and two or three were Croats.<sup>3015</sup> Sixty-seven Croats from a military unit that surrendered at Grbavica were held separately.<sup>3016</sup> The prison was very damp with poor hygienic conditions, and detainees had little access to medical services.<sup>3017</sup>

730. On 3 August 1992, **Edward Vulliamy** was brought to Kula prison.<sup>3018</sup> The witness stated that the prison was a reasonably well-run place and the conditions at the prison were ‘not that bad’.<sup>3019</sup> The witness further mentioned that the conditions were sad and ‘not pleasant’.<sup>3020</sup> A couple of the people there spoke about beatings but the

<sup>3005</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 94.

<sup>3006</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 97.

<sup>3007</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 98.

<sup>3008</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 101.

<sup>3009</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 101 (pp. 21-22).

<sup>3010</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 102-105, 108.

<sup>3011</sup> P2525 (Safet Gagula, witness statements), ICTY witness statement of 12 June 2001, p. 6; Bosnia-Herzegovina statement of 20 August 1993, p. 3.

<sup>3012</sup> P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

<sup>3013</sup> P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

<sup>3014</sup> P738 (Witness RM-046, witness statement, 20 April 1996), pp. 5, 9; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; Witness RM-046, T. 7014.

<sup>3015</sup> P738 (Witness RM-046, witness statement, 20 April 1996), p. 9; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), pp. 1283-1284.

<sup>3016</sup> P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1284.

<sup>3017</sup> Witness RM-046, T. 7047.

<sup>3018</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910, 8061, 8063.

<sup>3019</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910.

<sup>3020</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7909.

witness did not see any evidence of this.<sup>3021</sup> **Aernout van Lynden** testified that during his September 1992 visit to Kula prison, detainees told him that they received meals twice a day.<sup>3022</sup> He talked to detainees about their detention, the widespread ill-treatment in the prison, and heard that many of them had to dig frontline trenches.<sup>3023</sup> At that time, the ICRC had not yet visited the detainees but with the help of detainees the witness compiled a list of detainees which was later passed on to the ICRC.<sup>3024</sup> Serb guards alleged that detainees were Muslim fighters while one of the detainees interviewed by the witness, a mechanic, claimed that he and his fellow detainees were not.<sup>3025</sup> Most of the prisoners had been captured in Hadžići.<sup>3026</sup> According to the witness, the ‘Serb wardens’ promised the detainees that they would be released if an exchange could be arranged.<sup>3027</sup>

731. With regard to the Defence submission that, according to visiting journalists and the ICRC, the Kula prison was a well-run facility and there was no evidence of beatings, the Trial Chamber notes that it received inconsistent evidence from van Lynden and Vulliamy in this respect. While van Lynden stated that during his visit to Kula in September 1992, detainees told him ‘about widespread ill-treatment’ in the prison, he also mentioned in an excerpt from a Sky news report concerning the same visit, that detainees described their treatment as ‘correct’.<sup>3028</sup> Likewise, while Vulliamy testified that Kula was a reasonably well-run place and the conditions ‘were not that bad’, he also affirmed that the conditions were ‘sad’ and ‘unpleasant’.<sup>3029</sup> Considering that the Trial Chamber received detailed evidence in relation to the conditions of detention at the Kula prison from witnesses who had been held at the prison, it will not rely its finding on these contradictory aspects of van Lynden and Vulliamy’s evidence.

732. Based on the foregoing, the Trial Chamber finds that from 12 May until October 1992, the Kula prison accommodated 10,000 Bosnian-Muslim civilians of all ages, for periods ranging from a few days to several months. For one week, some detainees were

<sup>3021</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7910.

<sup>3022</sup> P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.

<sup>3023</sup> P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63.

<sup>3024</sup> Aernout van Lynden, T. 1450-1451; P81 (Excerpt of a Sky News Report on Kula Prison, undated).

<sup>3025</sup> P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.

<sup>3026</sup> P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63; P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.

<sup>3027</sup> P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 2.

<sup>3028</sup> P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63; P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.

<sup>3029</sup> P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910.

held in cramped conditions, with about 100 people in a small room. Access to medical care and food was limited. The Kula prison was under the jurisdiction of the Serb MUP until the beginning of August 1992, following which it was taken over by the MoJ. The Trial Chamber finds that during these periods the guards were MUP employees and MoJ employees, respectively. Detainees were regularly beaten and the Trial Chamber finds that these beatings were carried out by the guards.

733. Detainees were also held at Kula from 22 or 23 June 1993 until October 1994, with some detainees being held for almost one year. Most of the detainees were Bosnian-Muslim civilians and some were Bosnian Croats. In 1993 and 1994, there were also a number of Croat POWs held separately at Kula. The Trial Chamber finds that Kula was under the jurisdiction of the Bosnian-Serb MoJ in 1993 and 1994. Those working at the prison included a warden named ‘Soniboj’ Škiljević.

734. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

*Unscheduled detention incidents - MUP police station*

735. In addition to Scheduled Incident C.8.1, discussed above, according to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions taking place in other detention facilities in Ilidža Municipality between 12 May 1992 and 30 November 1995.<sup>3030</sup> In this respect, the Trial Chamber received evidence from **Mehmed Musić**, a Bosnian Muslim from the Muslim village of Musići, Hadžići Municipality, in Sarajevo,<sup>3031</sup> about his detention in the Ilidža police station which is reviewed in chapter 4.4.5.

736. Based on this evidence, the Trial Chamber finds that on 21 July 1992, two Bosnian-Muslim men, were brought from Kula prison to the Ilidža Police Station and detained there. During their detention at Ilidža Police Station, the prison commander was Vojo Ninković. These two Bosnian-Muslim detainees and six others were first kept in a cell without windows which was of such a size that conditions were crowded given the number of detainees, but by mid-August, the cell only accommodated two detainees.

<sup>3030</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

<sup>3031</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 5-6.



One of the two Bosnian Muslims was transferred out of Ilidža Police Station on 23 October 1992. The Trial Chamber will further consider the above, with regard to the two Muslim men, in relation to Count 3 of the Indictment in Chapter 8, below.

*4.4.3 Destruction of private and public property, including cultural monuments and sacred sites*

737. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

*4.4.4 Appropriation or plunder of property*

738. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

*4.4.5 Forced labour and human shields*

739. According to the Indictment, the Accused is responsible for the subjecting of Bosnian Muslims and Bosnian Croats to forced labour including digging graves and trenches and other forms of forced labour at front lines in Ilidža Municipality between 12 May 1992 and 30 November 1995.<sup>3032</sup> The Trial Chamber took judicial notice of Adjudicated Fact number 1217 in relation to this charge. It also received evidence from **Mehmed Musić**, a Bosnian Muslim from the Muslim village of Musići, Hadžići Municipality, in Sarajevo;<sup>3033</sup> and **Safet Gagula**, a Bosnian Muslim from Knežina, in Sokolac Municipality,<sup>3034</sup> and finds that this evidence is consistent with the Adjudicated Fact.<sup>3035</sup> The Trial Chamber also received evidence from **Desimir Šarenac**, Chief of Security of the 1st Sarajevo Mechanised Brigade and Slaviša Vajner Čiča barracks commander in Lukavica from May 1992 to May 1995;<sup>3036</sup> and **Witness RM-147**, a

<sup>3032</sup> Indictment, paras 39(c), 47, 59(h).

<sup>3033</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 5-6.

<sup>3034</sup> P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

<sup>3035</sup> **Mehmed Musić**: P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 99-100, 108. **Safet Gagula**: P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

<sup>3036</sup> D653 (Desimir Šarenac, witness statement, 27 July 2014), p. 1 and paras 1, 7-8; Desimir Šarenac, T. 26125, 26141, 26146.

member of the VRS from June 1992 onwards.<sup>3037</sup> The Adjudicated Fact and the evidence are limited to incidents at Kula and the Ilidža MUP police station.

740. In Kula, detainees were forced to perform manual labour such as digging trenches and graves.<sup>3038</sup> **Mehmed Musić** stated that he was detained in Kula from 23 June 1992 (see chapter 4.4.2 *Schedule C.8.1*) and on one occasion, he was taken to Ozrenska Street to carry material for barricades while bullets were fired at him from the ‘Bosnian side’, whizzing by but not hitting him.<sup>3039</sup> After about 3 July 1993, **Safet Gagula** and other detainees were taken to work on a farm in Dobrinj, where they were moving property from one apartment to another.<sup>3040</sup> **Desimir Šarenac** testified that prisoners from Kula prison were injured and killed by shelling and sniper fire while on work assignments near the confrontation line.<sup>3041</sup> On 31 December 1993, Drago Lackanović, a member of the 1st Sarajevo Mechanised Brigade tasked with guarding Muslim prisoners from Kula prison, shot at four such prisoners as they escaped from a worksite in the immediate vicinity of enemy trenches where they were subject to shelling.<sup>3042</sup> **Witness RM-147** testified that he once saw prisoners from Kula prison performing forced labour in Grbavica and cutting grass for local farmers.<sup>3043</sup> The witness asked them about the conditions of their detention and the detainees said that it was terrible in relation to the food.<sup>3044</sup> He saw the same prisoners in Ozrenska Street where they had to dig trenches between the confrontation lines.<sup>3045</sup> The detainees was aware of several cases in which prisoners were killed by snipers while performing their duties.<sup>3046</sup>

741. **Musić** provided evidence about forced labour carried out by him when detained at the Ilidža MUP police station. On 21 July 1992, he and a detainee called Raif Fejzović were taken by ‘Chetnik’ police from Kula to the police station into a one-and-

<sup>3037</sup> P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.

<sup>3038</sup> Adjudicated Facts I, no. 1217.

<sup>3039</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 100.

<sup>3040</sup> P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

<sup>3041</sup> Desimir Šarenac, T. 26150, 26152-26153, 26155; P6786 (Partial KP Dom Butmir duty notebook) pp. 2, 8-9, 17, 20.

<sup>3042</sup> Desimir Šarenac, T. 26131-26135; P6779 (Statement of Željko Barbarez), pp. 1-2; P6780 (Statement of Drago Lackanović, 5 January 1994); P6781 (Report of Aleksander Pandurević, 31 December 1993); P6785 (Report of 1st Sarajevo Mechanized Brigade, 10 April 1994) pp. 2-3.

<sup>3043</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 79.

<sup>3044</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 79.

<sup>3045</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 80.

<sup>3046</sup> P107 (Witness RM-147, witness statement, 3 June 2012), para. 80.

a-half by two metre cell, without windows, containing six other people.<sup>3047</sup> The prison commander was Vojo Ninković.<sup>3048</sup> After 13 August 1992, Musić was allowed to go out and wash people's cars sometimes, which he did 'just to be able to move around'. He further cleaned kitchens, toilets, and sometimes moved ammunition. Together with some 'Chetnik' policemen he had to move property from apartments and storehouses in Ilidža.<sup>3049</sup> Sometime between 20 and 25 August 1992, he worked in a place called Vreoce, which was located behind a café called Bunker in Ilidža, loading pipes and radiators from a Serb house.<sup>3050</sup> On 23 October 1992, he was transferred from the MUP police station to another detention centre in Vogošća.<sup>3051</sup>

742. Based on the foregoing, the Trial Chamber finds that in Kula, detainees were forced to perform manual labour such as digging trenches and graves. As the Trial Chamber found in chapter 4.4.2 *Schedule C.8.1*, most of the detainees in Kula were Bosnian-Muslim civilians and some were Bosnian Croats. This included Mehmed Musić and Safet Gagula, both Bosnian-Muslim detainees. On one occasion between 23 June and 21 July 1992, Musić was taken to Ozrenka Street to carry material for barricades while being shot at. Based on its findings in chapter chapter 4.4.2 *Schedule C.8.1*, the Trial Chamber finds that members of the MUP took the detainees to perform labour on this occasion. Between about 3 July 1993 and 20 August 1993, Gagula and other detainees were taken out to work on a farm to move property in Dobrinj. On one occasion on 31 December 1993, other detainees from Kula prison were taken to perform labour at a worksite in the immediate vicinity of enemy trenches. Based on its findings in chapter 4.4.2 *Schedule C.8.1*, the Trial Chamber finds that MoJ employees took the detainees to perform labour on these occasions. In this respect, the Trial Chamber also recalls its findings in chapter 4.4.2 *Schedule C.8.1* concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

743. The Trial Chamber finds that between 13 August and 23 October 1992, Mehmed Musić cleaned cars, kitchens, toilets, and moved ammunition while he was a detainee at the Ilidža Police Station. He, moreover, had to move property from apartments and storehouses in Ilidža together with Serb policemen. Sometime between 20 and 25

<sup>3047</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 102-105, 108.

<sup>3048</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 106.

<sup>3049</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 108.

<sup>3050</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 109.

August 1992, he worked in a place called Vreoce, in Ilidža, loading pipes and radiators from a Serb house. The Trial Chamber finds that Musić was in the custody of MUP police officers at the Ilidža Police Station at the time he performed manual labour. In this respect, the Trial Chamber also recalls its findings in chapter 4.4.2 concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

#### *4.4.6 Imposition and maintenance of restrictive and discriminatory measures*

744. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.4.7 Forcible transfer and deportation*

745. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Ilidža Municipality between 12 May 1992 and 30 November 1995.<sup>3052</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats.<sup>3053</sup> Others were physically driven out.<sup>3054</sup> The Defence argued that at no stage was any person or any group, directly or indirectly, forcibly removed or transferred from the municipality of Ilidža.<sup>3055</sup> It further argued that those who left Ilidža did so voluntarily and without restriction.<sup>3056</sup> The Trial Chamber received evidence from **Witness RM-104**, a Bosnian Muslim from Ilidža Municipality;<sup>3057</sup> and **Slavko Mijanović**, President of the Commission for the Allocation of Flats for Temporary Use in Ilidža during the war;<sup>3058</sup> as well as documentary evidence.

<sup>3051</sup> P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 123.

<sup>3052</sup> Indictment, paras 47, 59(f), 67-68, 70.

<sup>3053</sup> Indictment, para. 70.

<sup>3054</sup> Indictment, para. 70.

<sup>3055</sup> Defence Final Brief, para. 1308.

<sup>3056</sup> Defence Final Brief, para. 1309.

<sup>3057</sup> P381 (Witness RM-104, witness statements), 10 March 1997 statement, pp. 1-2.

<sup>3058</sup> D799 (Slavko Mijanović witness statement, 19 January 2013), paras 1, 6; Slavko Mijanović, T. 28816.

746. In a phone conversation on 23 May 1992, Nedeljko Prstojević, the President of the Ilidža Crisis Staff, commented on the policy relating to refugees from Sarajevo, stating that all Serbs would be accepted by Ilidža and accommodated and that no Muslims would be allowed to leave Sarajevo.<sup>3059</sup> **Mijanović** testified that Serb and non-Serb residents left Ilidža Municipality to escape the horrors of war, while at the same time Serb refugees arrived from Muslim-controlled parts of Sarajevo and Central Bosnia, making it necessary to place abandoned flats and accommodation under the control of the municipality.<sup>3060</sup> Between April and June 1992, migration of the non-Serb population from Ilidža Municipality was most intense but, according to the witness, the government of the Serb municipality of Ilidža and its organs did not expel non-Serbs.<sup>3061</sup> Some non-Serbs remained in Ilidža Municipality throughout the war.<sup>3062</sup> According to the witness, Ilidža was prepared to accept anyone, but Muslims had no reason to come to Serb-controlled Ilidža.<sup>3063</sup> Further, the Bosnian-Serb Government and the organs of the Bosnian-Serb Republic did not issue any instructions or orders to expel the Muslims or any other non-Serb inhabitants, to ethnically cleanse the territory of the municipality, or to limit or take away the rights and freedoms of non-Serbs.<sup>3064</sup>

747. **Witness RM-104** provided evidence about his own experience prior to leaving Ilidža Municipality. He stated that on 24 May 1992, five men in camouflage and hats with feathers arrived at the door of his home in the municipality. The witness was told that the men were with the White Eagles. The men asked the witness for his ID card and then took him to a kindergarten, near his house, and instructed him to see a Mr. Jovo. There the witness saw a man that he knew as Mirko, who was dressed in uniform and was armed. Mirko informed him that he must give a statement and should not worry. The witness entered a room, which contained 60 or 70 Muslim and Croat men, including some of his neighbours. The witness feared for his life and collapsed. He woke up in the toilets, after Mirko had given the witness one of his nitro-glycerine tablets. At around 3 p.m., Jovo arrived and the witness and the other men were told to line up next to the wall and wait to be interviewed. The witness went into a room and

<sup>3059</sup> Slavko Mijanović, T. 28812; P6945 (Intercepted telephone conversation between Nedeljko Prstojević and Milosav Gagović, 23 May 1992), pp. 2-3.

<sup>3060</sup> D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6; Slavko Mijanović, T. 28806.

<sup>3061</sup> D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6; Slavko Mijanović, T. 28827-28830.

<sup>3062</sup> D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6.

<sup>3063</sup> Slavko Mijanović, T. 28837, 28839, 28859.

<sup>3064</sup> D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6.

upon request he handed over his ID to the man in the room. The witness was asked about Travnik and Turbe and he was told that he had two choices; either he must leave the next day at 10 a.m. and go to Sarajevo or Kobiljača or take up arms and become loyal to the Serb authorities. The man told the witness that if he did not make a decision by the next day, his throat and his family's throats would be cut.<sup>3065</sup> The next morning, the witness saw two of his neighbours' families leaving. The witness told his wife that they had no choice but to leave, so, the witness, his wife, his daughter, and his mother-in-law left. His mother-in-law was unable to walk so they carried her in a blanket. A neighbour drove the witness and his family to the flyover where the checkpoint was. The neighbour told the soldiers that the witness had been interviewed and he had to leave. The soldiers at the checkpoint were armed and wore masks with only the mouth and eyes exposed. The witness travelled to Sarajevo and moved into an empty flat with his wife, his mother-in-law, and his daughter.<sup>3066</sup>

748. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and June 1992 many residents left Ilidža Municipality. Witness RM-104 provided evidence about the reasons for him and his family leaving the municipality and this will be dealt with below. The Trial Chamber has not received any other evidence indicating that residents were forcibly displaced. The Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

749. The Trial Chamber finds that on 24 May 1992 five members of the White Eagles, took Witness RM-104, a Bosnian Muslim, to a kindergarten in Ilidža Municipality. The witness was held in a room with around 60 or 70 Muslim and Croat men and they were all told to line up against the wall and wait to be interviewed. A man interviewed Witness RM-104 and gave him the choice to either leave Ilidža or take up arms and become loyal to the Serb authorities. The man threatened Witness RM-104 that if he did not decide by 10 a.m. the following day, he and his family would have their throats cut. The Trial Chamber finds that this man was also a member of the White Eagles. The witness left the following day with his family. With regard to the 60 or 70 Muslim and Croat men, although they might have been similarly threatened and left as a result, based on the evidence before it the Trial Chamber is not convinced that this has

<sup>3065</sup> P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 2.

<sup>3066</sup> P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 3.

been proven. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

## 4.5 Kalinovik Municipality

### 4.5.1 Murder

#### *Schedule B.7.1*

750. According to the Indictment, the Accused is responsible for the killing of at least 20 men in a stable in Ratine in Foča Municipality on or about 5 August 1992.<sup>3067</sup> The Defence argued that (i) the evidence cannot lead to the sole conclusion that the perpetrators of these alleged killings were members of the VRS or under the effective control of the VRS; (ii) even if the Trial Chamber finds that VRS officers were involved, the Prosecution did not present any evidence that the Accused was ever informed about the killings or that anyone in the VRS chain of command ordered or condoned these acts; and (iii) a witness testified that the men were to be executed as a reprisal for the death of some Serbs, which indicated a spontaneous and personal revenge motive of which the Accused would not have been informed.<sup>3068</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this incident. In addition, it reviewed evidence of **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik;<sup>3069</sup> **Ismet Poljak**, a Bosnian-Muslim Kalinovik police officer until April 1992,<sup>3070</sup> (who provided hearsay evidence originating from Hadžić); and **Ewa Tabeau**, a demographer and statistician,<sup>3071</sup> as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.<sup>3072</sup>

<sup>3067</sup> Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.7.1.

<sup>3068</sup> Defence Final Brief, paras 1588-1590.

<sup>3069</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3070</sup> P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 4, 6.

<sup>3071</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>3072</sup> **Fejzija Hadžić**: P138 (Fejzija Hadžić, witness statement, 31 January 1999), pp. 4-5; P139 (Statement of Fejzija Hadžić, 20 October 1992), pp. 3-5; Fejzija Hadžić, T. 1835-1836, 1840-1843, 1862-1863.

**Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 6-7. **Ewa Tabeau and forensic documentary evidence**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 4; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 11; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 388-396; P4724 (ICMP report pertaining to the DNA analysis of the remains of Hasan Hadžić, 25 January 2013); P4725 (Missing Persons Institute of Bosnia-Herzegovina certificate for Selim Hadžić, 4 April 2013); P6035 (Missing Persons Institute of Bosnia-Herzegovina certificate for Almir Čusto, 4 April 2013); P6036 (Missing Persons Institute of Bosnia-Herzegovina certificate for Abdurahman Filipović, 4 April 2013); P6037 (Missing Persons Institute of Bosnia-Herzegovina certificate for Esad Hadžić, 4 April 2013); P6038 (Missing Persons Institute of Bosnia-Herzegovina certificate for Hasan Hadžić, 4 April 2013); P6039 (Missing Persons Institute of Bosnia-Herzegovina certificate for Šabahudin Juković, 4 April 2013); P6040 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ramo Kurtović, 4 April 2013); P6041 (ICMP report pertaining to the DNA analysis of the remains of Ramo Kurtović, 6 February 2013); P6042 (Missing Persons Institute of Bosnia-Herzegovina certificate for Adil Mulaomerović, 4 April 2013); P6043 (Missing Persons Institute of Bosnia-Herzegovina certificate for



751. On 5 August 1992, around 25 Muslim detainees from the ammunition warehouse in Jelašačko Polje were called out by Serb soldiers and transported under police escort to the village of Ratine near Jeleč, in Foča Municipality.<sup>3073</sup> The detainees were severely mistreated, their hands tied with wire, and their valuables taken away.<sup>3074</sup> **Fejzija Hadžić** specified that Pero Elez, Milenko (Neđo) Vuković, and a man named Vukadin, all wearing camouflage uniforms and headed by Elez, first called out 15 detainees from the warehouse and took them away.<sup>3075</sup> Later that day, Elez, Vuković, and Vukadin selected the witness and another 23 detainees and told them to prepare to go to the KP Dom for exchange.<sup>3076</sup> Hadžić recalled that they were going to be taken away to be executed as a reprisal for the death of some Serbs somewhere else.<sup>3077</sup> The guards at the warehouse then loaded them onto a military vehicle driven by men wearing military uniforms.<sup>3078</sup> According to Hadžić, the detainees were forced to sing ‘Chetnik songs’ on the way.<sup>3079</sup> At a stable in Ratine, the convoy stopped.<sup>3080</sup> **Hadžić** stated that the detainees were unloaded, lined up in a single file, and taken to a field near to a

Husnija Rogoj, 4 April 2013); P6044 (Missing Persons Institute of Bosnia-Herzegovina certificate for Refik Rogoj, 4 April 2013); P6045 (Missing Persons Institute of Bosnia-Herzegovina certificate for Avdija Škoro, 4 April 2013); P6046 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ismet Smječanin, 4 April 2013); P6047 (ICMP report pertaining to the DNA analysis of the remains of Suvad Suljić, 26 February 2013); P6048 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edin ‘Medo’ Suljić or Suvad Suljić, 4 April 2013); P6049 (Missing Persons Institute of Bosnia-Herzegovina certificate for Damir Suljić, 4 April 2013); P6050 (Missing Persons Institute of Bosnia-Herzegovina certificate for Elvir Suljić, 4 April 2013); P6051 (Missing Persons Institute of Bosnia-Herzegovina certificate for Emir Suljić, 4 April 2013); P6052 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edin Suljić, 4 April 2013); P6053 (Missing Persons Institute of Bosnia-Herzegovina certificate for Mirsad Suljić, 4 April 2013); P6054 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ramiz Suljić, 4 April 2013); P6055 (Missing Persons Institute of Bosnia-Herzegovina certificate for Sado Suljić, 4 April 2013); P6056 (Missing Persons Institute of Bosnia-Herzegovina certificate for Salko Vranović, 4 April 2013); P6057 (ICMP report pertaining to the DNA analysis of the remains of Enes Hadžić, 4 April 2013); P6058 (Missing Persons Institute of Bosnia-Herzegovina certificate for Enes Hadžić, 4 April 2013); P6059 (Sarajevo Court Records of Exhumations carried out in 1999, 13 January 1999), p. 5; P6060 (Missing Persons Institute of Bosnia-Herzegovina certificate for Mehmed Ahmethodžić, 4 April 2013). The Trial Chamber has not considered the evidence of Witness RM-032 in relation to this incident (P180 (Witness RM-032, witness statement, 20 October 1998), paras 15, 29, 39, 41; Witness RM-032, T. 2380-2381) as neither Witness RM-032 nor Dragan Kunarac were present (or at least sighted) at the scene of the incident, thereby affecting the weight to be attached to this part of her evidence. Furthermore, the Trial Chamber has not relied on Ismet Poljak’s evidence concerning the date of the incident, since he only heard about the incident at a later stage.

<sup>3073</sup> Adjudicated Facts I, no. 745.

<sup>3074</sup> Adjudicated Facts I, no. 745.

<sup>3075</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), pp. 2-3, 5; Fejzija Hadžić, T. 1835-1836, 1840.

<sup>3076</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), pp. 4-5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 3; Fejzija Hadžić, T. 1835-1836, 1840.

<sup>3077</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4.

<sup>3078</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1840-1841.

<sup>3079</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; Fejzija Hadžić, T. 1863.

<sup>3080</sup> Adjudicated Facts I, no. 745.

stable.<sup>3081</sup> They were then told to walk to the stable.<sup>3082</sup> Five or six uniformed soldiers then shot at the detainees with automatic rifles.<sup>3083</sup> The witness was shot in his left leg and fell to the ground, pretending to be dead.<sup>3084</sup> The guards fired again at any movement, to ensure that all the detainees were dead.<sup>3085</sup> The witness did not know any of the men who were doing the shooting, but only Pero Elez who was with them.<sup>3086</sup> Four men were spared and ordered to place the dead bodies in the stable. Later on, they were shot as well. The soldiers poured petrol over the bodies, set the stable on fire and left.<sup>3087</sup> **Hadžić**, who was the sole survivor, recalled the names of the detainees who were killed.<sup>3088</sup> According to **Tabeau** nineteen of the victims were between the age of 19 and 50 in 1992. One of the victims was 16 years old in 1992. The date of birth of the remaining victims is unknown.<sup>3089</sup> **Ismet Poljak** stated that there were three lorries and that one group consisting of 15 detainees was shot dead at Mala Meka Brda and other detainees were shot on a bridge and thrown into the Drina river before reaching Foča town.<sup>3090</sup>

752. Based on the foregoing, the Trial Chamber finds that on 5 August 1992, Serb soldiers took out 24 detained Bosnian-Muslim men, among them Fejzija Hadžić, from the ammunition warehouse in Jalašačko Polje in Kalinovik. The soldiers brought them to a stable in Rantine, Foča Municipality. The detainees had their hands tied up, were severely beaten, and forced to sing ‘Chetnik songs’ on the way. Five to six Serb soldiers, commanded by Pero Elez, shot the men. Only Fejzija Hadžić, who was shot in the leg, survived. The Trial Chamber recalls its finding in chapter 3.1.2 that Pero Elez, as Commander of the Miljevina Battallion, headed his own sub-unit under Marko Kovač, Commander of the Foča TG. The soldiers set the bodies on fire and left. One of the victims was only 16 years old. Based on the foregoing, the Trial Chamber will

<sup>3081</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4.

<sup>3082</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5.

<sup>3083</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1841, 1843, 1862-1863.

<sup>3084</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1841.

<sup>3085</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5.

<sup>3086</sup> Fejzija Hadžić, T. 1843.

<sup>3087</sup> Adjudicated Facts I, no. 745.

<sup>3088</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), pp. 3-4.

<sup>3089</sup> P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 388-396.

<sup>3090</sup> P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 6-7.

further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

753. With regard to the 15 detainees who were taken out by the men headed by Elez prior to Fezija Hadžić's group, the Trial Chamber has not received evidence as to what happened to them. It will therefore not further consider this incident in relation to any count of the Indictment.

*Schedule C and unscheduled murder incidents*

754. In addition to Scheduled Incident B.7.1, discussed above, according to the Indictment the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Kalinovik Municipality.<sup>3091</sup>

*Murders at the Kalinovik elementary school (Schedule C.9.1)*

755. With regard to murders committed at the Kalinovik elementary school, the Trial Chamber has taken judicial notice of Adjudicated Facts and considered evidence from a number of witnesses. The Adjudicated Facts and evidence have been reviewed in chapter 4.5.2 *Schedule C.9.1*.

756. Based on the foregoing, the Trial Chamber finds that Boško Govedarica killed the Bosnian-Muslim detainee Sutko Hasanbegović in the Kalinovik elementary school in August 1992. Based on the evidence reviewed above and elsewhere in chapter 4.5, the Trial Chamber finds that Govedarica was the Chief of Police at Kalinovik SJB. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

757. According to Adjudicated Facts 740 and 742, Muslim detainees were killed during their detention at the Kalinovik elementary school which started from at the latest 25 June 1992. In this regard, the Trial Chamber also received evidence on the killing of one detainee, a man from Kalinovik, who died after he had been beaten and drowned in a water container. The Trial Chamber received evidence on various groups present in the school, including Serb soldiers and policemen, guards from the local police and other guards in military uniforms, as well as various persons coming to the

school from outside. That evidence has been reviewed by the Trial Chamber in chapter 4.5.2 *Schedule C.9.1*. In light of the broad range of possible perpetrators for these killings, the Trial Chamber cannot establish who committed the killings in the camp, including the murder of the man from Kalinovik, and will therefore not further consider these incidents in relation to any count of the Indictment.

*Murders at the ammunition warehouse in Jelašaćko Polje*

758. With regard to murders at the ammunition warehouse in Jelašaćko Polje (beyond those dealt with as part of Scheduled incident B.7.1), the Trial Chamber received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik.<sup>3092</sup> He testified that on 2 August 1992, while detained at an ammunition warehouse between Jelaševac and Kalinovik, Djordjislav Aškraba ordered Osman Manda from Hadžići and a person called Jakup from Trnava to be taken away, and they did not return.<sup>3093</sup> The day after, Remiz Suljić from the village of Vihavic, Nezir Rogoj, Nasuf Bičo, and Zaim Čusto, all three from the village of Jelasac, were taken away in what Aškraba said was presumably a prisoner exchange, however the witness later heard that all four had been executed.<sup>3094</sup>

759. With regard to the above incident, the Trial Chamber notes that it has neither received evidence on what happened to the men after they were taken away, nor any evidence on the alleged perpetrators of the killings. Absent any such evidence, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

*4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

*Schedule C.9.1*

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

<sup>3091</sup> Indictment, paras 39(a), 52, 59(a), 62(b).

<sup>3092</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3093</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.

<sup>3094</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 3.

school (Miladin Radojević School) from 25 June 1992 until sometime in July 1992.<sup>3095</sup> The Defence argued that the police and civilian authorities controlled the events at Kalinovik elementary school, and that the abuses were committed by paramilitary groups who were not under the effective control of the VRS.<sup>3096</sup> Scheduled Incident C.9.1 is limited in its temporal scope to a few weeks in June and July 1992. The Indictment is, however, not limited to the Scheduled Incidents.<sup>3097</sup> The crime of persecution as charged *includes* those incidents further set out in the schedules to the Indictment.<sup>3098</sup> Accordingly, the Trial Chamber has not disregarded Adjudicated Facts or evidence falling outside the temporal scope of Scheduled Incident C.9.1. Below, the Trial Chamber will consider evidence relating to any unlawful detentions and cruel or inhumane treatment in the Kalinovik elementary school in 1992. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events at the school. It additionally received evidence from **Witness RM-032**, **Witness RM-048**, and **Fejzija Hadžić**, all Bosnian Muslims,<sup>3099</sup> who were detained at the Kalinovik elementary school, as well as from **Zijo Hadžić** and **Ismet Poljak**, two Bosnian-Muslim Kalinovik police officers until April 1992,<sup>3100</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>3101</sup>

761. On 25 June 1992, Muslim men were summoned by order of Neđo Banjanin, secretary of the Kalinovik Municipal Secretariat for National Defence, to the municipal assembly building to be given work assignments at the Zelengora wood-processing plant.<sup>3102</sup> **Ismet Poljak** stated that the orders came from Grujo Lalović, the President of

<sup>3095</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.9.1.

<sup>3096</sup> Defence Final Brief, paras 1591-1594.

<sup>3097</sup> Further on this issue, *see* Appendix B.

<sup>3098</sup> Indictment, paras 59(b)-(d), (g) (emphasis added).

<sup>3099</sup> P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1; P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815; P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3100</sup> P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1; P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 6.

<sup>3101</sup> **Witness RM-032**: P180 (Witness RM-032, witness statement, 20 October 1998), paras 3-5, 7, 9, 11, 13-16, 22, 24-28, 45, 47; Witness RM-032, T. 2380, 2384, 2386-2387, 2389, 2393-2396, 2401, 2403. **Witness RM-048**: P979 (Witness RM-048, witness statement, 8 June 1999), paras 6, 8-9, 11-14, 17-18; Witness RM-048, T. 8865; P980 (Witness RM-048, table of clarifications). **Fejzija Hadžić**: P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1847-1848. **Zijo Hadžić**: P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 6. **Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.

<sup>3102</sup> Adjudicated Facts I, no. 740.

Kalinovik Municipality, and Boško Govedarica, the local Chief of Police.<sup>3103</sup> Around 60 Muslim men responded, were arrested, and taken to the Kalinovik elementary school.<sup>3104</sup> **Fejzija Hadžić** specified that they were arrested by reserve and active-duty police officers, including Milan Perić and Sašo Doder.<sup>3105</sup> Aleksandar Cerovina, Predrag Terzić, and Duško Mandić, all police officers in Kalinovik, searched the witness at the entrance to the school.<sup>3106</sup> Those men who had failed to respond to the summons were later arrested and also brought to the school.<sup>3107</sup> Between 1 and 5 August 1992, Serbs rounded up, arrested, separated and imprisoned, or detained almost all remaining Muslim men and women from Kalinovik, and also approximately 190 women, children, and elderly persons from Gacko.<sup>3108</sup> All detainees were subsequently taken to the school.<sup>3109</sup>

762. **Fejzija Hadžić** testified that 10 or 15 armed Serb reserve police officers in olive-green-grey military uniforms detained people at the school.<sup>3110</sup> He recalled the following guards: Milan Lalović, Danilo Đorem, Dejan Đorem, Bele Stanković, Mića Mandić, and Ilija Đorem.<sup>3111</sup> **Witness RM-048** testified that the guards wore police and olive-colour uniforms.<sup>3112</sup> According to **Witness RM-032**, the detainees were guarded by individuals in regular blue uniforms and some wearing olive drab uniforms 'of the former army'.<sup>3113</sup> The guards worked in shifts.<sup>3114</sup> The guards called the detainees 'Ustašas' and cursed their 'Ustaša mothers'.<sup>3115</sup> Throughout her detention, Witness RM-032 saw soldiers in black, olive-green, and camouflage uniforms come to the school and harass the detainees.<sup>3116</sup> According to a Kalinovik SJB report of 18 August

<sup>3103</sup> P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.

<sup>3104</sup> Adjudicated Facts I, no. 740.

<sup>3105</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1847-1848.

<sup>3106</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1848-1849.

<sup>3107</sup> Adjudicated Facts I, no. 740.

<sup>3108</sup> Adjudicated Facts I, no. 741.

<sup>3109</sup> Adjudicated Facts I, no. 741.

<sup>3110</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1839, 1848-1849.

<sup>3111</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.

<sup>3112</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 16; Witness RM-048, T. 8866.

<sup>3113</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 12; Witness RM-032, T. 2393.

<sup>3114</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 12; Witness RM-032, T. 2392-2393.

<sup>3115</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 14.

<sup>3116</sup> P180 (Witness RM-032, witness statement, 20 October 1998), paras 43, 45; Witness RM-032, T. 2403.

1992, police members had no official uniforms as the old ones were threadbare, and they were mostly dressed in olive drab uniforms without police insignia.<sup>3117</sup>

763. The Muslim civilians held at the Kalinovik school were kept in unhygienic conditions and without hot water and were provided with insufficient food.<sup>3118</sup> **Witness RM-032** specified that most people held at the school slept on the floor.<sup>3119</sup> Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses.<sup>3120</sup> Most of their houses were burnt down or ransacked.<sup>3121</sup> They were guarded and lived in an atmosphere of intimidation.<sup>3122</sup> All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.<sup>3123</sup> However, **Fezija Hadžić** testified that during the first three days the detainees were allowed to communicate with their families, and throughout their detention until 6 July 1992 they were treated 'fairly well'.<sup>3124</sup> According to the Kalinovik SJB report of 18 August 1992, on 6 July 1992 Bosnian-Muslim men who had been brought to Kalinovik elementary school by the Kalinovik SJB, pursuant to an order by the Kalinovik municipal and military authorities, were transferred, under the Kalinovik SJB's guard, to military prison where the Kalinovik Tactical Group's military command took charge of securing them.<sup>3125</sup>

764. During the detention at the school, some detainees were beaten and killed, and women were raped, for the sole reason of being of Muslim ethnicity.<sup>3126</sup> The head of the Foča police forces, Dragan Gagović, was one of the men who came there to take women out and rape them.<sup>3127</sup> **Zijo Hadžić** stated that as a member of a commission investigating events in Kalinovik, he interviewed 15 women and some men from the camp in the school, who told him that approximately 80 women had been raped there.<sup>3128</sup>

<sup>3117</sup> P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 5.

<sup>3118</sup> Adjudicated Facts I, no. 613.

<sup>3119</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 11.

<sup>3120</sup> Adjudicated Facts I, no. 613.

<sup>3121</sup> Adjudicated Facts I, no. 613.

<sup>3122</sup> Adjudicated Facts I, no. 613.

<sup>3123</sup> Adjudicated Facts I, no. 613.

<sup>3124</sup> P139 (Statement of Fezija Hadžić, 20 October 1992), p. 2.

<sup>3125</sup> P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 4.

<sup>3126</sup> Adjudicated Facts I, no. 742.

<sup>3127</sup> Adjudicated Facts I, no. 614.

<sup>3128</sup> P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 6.

765. According to **Witness RM-048**, detention conditions severely deteriorated after the capture of Trnovo around 1 August 1992.<sup>3129</sup> They were not allowed to go to the toilet.<sup>3130</sup> Paramilitary formations also started to take out people for interrogations.<sup>3131</sup> The witness assumed that they were paramilitaries because of their long beards and camouflage uniforms which were different from the ones worn by the regular Serb soldiers.<sup>3132</sup> The witness heard screams from a floor above after people had been taken out.<sup>3133</sup> According to the Kalinovik SJB report of 18 August 1992 after the defeat of Serb forces at Trnovo on 31 August 1992 the military command asked the Foča military command for help, and approximately 100 men arrived.<sup>3134</sup> This group forcibly entered Kalinovik primary school, where Bosnian-Muslim women, children, and people over 60 years of age were put up, despite the opposition of the police securing the facility.<sup>3135</sup> They harassed these people by abducting younger women and girls, murdering and raping minors, and taking gold jewellery and money.<sup>3136</sup>

766. **Witness RM-032** testified that one day, Govedarica took the detainee Sutko Hasanbegović away, and Hasanbegović came back 'black and blue', saying he had been beaten by Govedarica.<sup>3137</sup> Another day, Govedarica came to the school with several men and took Hasanbegović upstairs, after which the witness heard two or three shots.<sup>3138</sup> Subsequently, Govedarica was seen by some female detainees coming downstairs with a bloody knife, and some soldiers who had arrived by car carried a body wrapped in a blanket downstairs.<sup>3139</sup> The witness assumed that it was the body of Hasanbegović.<sup>3140</sup>

**Witness RM-048** testified that she saw Hasanbegović being taken out, heard screaming, and then saw a body, which appeared to be Hasanbegović's, being carried away.<sup>3141</sup> The witness further saw the body of another man from Kalinovik being removed and learned

<sup>3129</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.

<sup>3130</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.

<sup>3131</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 17-18; Witness RM-048, T. 8815.

<sup>3132</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.

<sup>3133</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.

<sup>3134</sup> P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 3.

<sup>3135</sup> P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), p. 3.

<sup>3136</sup> P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), p. 3.

<sup>3137</sup> Witness RM-032, T. 2401.

<sup>3138</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 46; Witness RM-032, T. 2401.

<sup>3139</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 46; Witness RM-032, T. 2401-2402.

<sup>3140</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 46.

<sup>3141</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.



that he had been beaten and drowned in a water container.<sup>3142</sup> During the nights, the witness saw members of these paramilitary formations, including Pero Elez and his guards, Zoran and Neđo Samardžić, and Dragan Kunarac (Žaga)'s men, taking out women and returning them later.<sup>3143</sup> They also took valuables from the detainees and beat people who were reluctant to surrender them.<sup>3144</sup>

767. Two females were taken out of the school together by Dragoljub Kunarac and an individual known as 'Gaga', on 2 August 1992, driven by them to a house in the Aladža area and, from there, to a house in Trnovače.<sup>3145</sup> **Witness RM-032** believed that Gaga's real name was Dragan Gagović.<sup>3146</sup> Upon arrival at the house in the Aladža area, the women were told where to sleep. One of them was assigned to Kunarac. He ordered her to undress and tried to rape her while his bayonet was placed on the table.<sup>3147</sup> Kunarac did not entirely succeed in penetrating her because she was rigid with fear, although he succeeded the next day.<sup>3148</sup> Kunarac knew that she did not consent, and he rejoiced at the idea of being her 'first', thereby degrading her more.<sup>3149</sup> Also on 2 August 1992, Pero Elez arrived at the school dressed in a camouflage uniform with a pistol and a rifle, and took one of the detained girls out with him.<sup>3150</sup>

768. A few days later, Žaga and Gaga arrived at the Kalinovik school accompanied by several soldiers, including a female soldier named Jadranka, whom the others referred to as Jaca or Jasna.<sup>3151</sup> They cursed at the detainees and Jadranka threatened Witness RM-032 with a knife.<sup>3152</sup> When asked by the witness what would happen to the detainees, Žaga said that they would all be killed.<sup>3153</sup> Žaga later told the witness that he belonged

<sup>3142</sup> P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.

<sup>3143</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 19-20.

<sup>3144</sup> P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 21.

<sup>3145</sup> Adjudicated Facts I, no. 604.

<sup>3146</sup> Witness RM-032, T. 2389-2390.

<sup>3147</sup> Adjudicated Facts I, no. 605.

<sup>3148</sup> Adjudicated Facts I, no. 606.

<sup>3149</sup> Adjudicated Facts I, no. 606.

<sup>3150</sup> P180 (Witness RM-032, witness statement, 20 October 1998), paras 18, 20; Witness RM-032, T. 2380, 2395.

<sup>3151</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 39; Witness RM-032, T. 2381-2382.

<sup>3152</sup> P180 (Witness RM-032, witness statement, 20 October 1998), paras 40-41.

<sup>3153</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 41; Witness RM-032, T. 2380-2381.

to the White Eagles.<sup>3154</sup> Some of Žaga's men had insignia with an eagle and the letter 'S', some wore camouflage uniforms, and others were dressed in civilian clothes.<sup>3155</sup>

769. In August 1992, Marinko Bjelica, who wore a fuzzy Russian cap, came with several men dressed in multi-coloured clothes and green clothes of 'the former army', and took six or seven women and girls out to a farm located somewhere between Foča and Miljevina.<sup>3156</sup> The women returned after midnight and they were threatened with death if they talked to anybody about what had happened at the farm.<sup>3157</sup> Bjelica came again the next evening, but the guards did not let him take the women away again.<sup>3158</sup>

770. One day, Govedarica and another man with a long beard and a headband named Zeljaja, who introduced themselves as the chief of police and the commander of the police, came to the Kalinovik school looking for a volunteer to be a messenger between the front lines.<sup>3159</sup> Witness RM-032 volunteered and was blindfolded and taken to a hill.<sup>3160</sup> When her blindfold was removed, she was given a letter and a piece of white cloth on a stick, and sent to the Muslim frontline located on another hill.<sup>3161</sup> In the letter, the Serbs asked the Muslims to collect and exchange the bodies of eleven Serb soldiers for the detainees held at the Kalinovik school, who would otherwise be killed.<sup>3162</sup> The witness was sent back to the Serb side with a letter from the Bosnian Muslims, which she handed in.<sup>3163</sup> Govedarica and the chief of police from Ulog were present when she arrived.<sup>3164</sup>

771. The Trial Chamber finds that Fejzija Hadžić's testimony that the detainees were treated 'fairly well' is vague and lacks a factual description of the conditions. Furthermore, he was detained at the Kalinovik elementary school for a relatively short period of time. His evidence in this respect is therefore of limited probative value and does not rebut the Adjudicated Facts.

<sup>3154</sup> P180 (Witness RM-032, witness statement, 20 October 1998), paras 15, 22, 36, 38; Witness RM-032, T. 2380, 2395.

<sup>3155</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 38.

<sup>3156</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396, 2399-2400.

<sup>3157</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396.

<sup>3158</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396.

<sup>3159</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 51; Witness RM-032, T. 2405-2406.

<sup>3160</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 51.

<sup>3161</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 51.

<sup>3162</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 52.

<sup>3163</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 53.

<sup>3164</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 53.

772. Based on the foregoing, the Trial Chamber finds that on 25 June 1992 around 60 Bosnian-Muslim civilian men answered a call for work assignments and were arrested by reserve and active-duty police officers, including Milan Perić and Sašo Doder, and detained at the Kalinovik elementary school. Other Bosnian-Muslim civilians were brought to the school later by Serb soldiers and policemen from the Kalinovik SJB. Between 1 and 5 August 1992, Serbs rounded up, arrested, separated and imprisoned, or detained almost all remaining Bosnian-Muslim men and women from Kalinovik, and also approximately 190 women, children, and elderly persons from Gacko. All these detainees were subsequently taken to the school. The detainee's freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. They were guarded and lived in an atmosphere of intimidation.<sup>3165</sup> Most detainees had to sleep on the floor and food was insufficient. The conditions were unhygienic and there was no hot water. After 1 August 1992, there was a period when detainees were not allowed to go to the toilet. The detainees were guarded by the Kalinovik SJB. The guards kept the detainees in an intimidating atmosphere, called them '*Ustašas*', and cursed the detainees' '*Ustaša* mothers'.

773. Approximately 80 women were raped and detainees were beaten by persons coming to the school. The rapes occurred at the school as well as in other places the women were taken to. The beatings and rapes were committed because the victims were of Bosnian Muslim ethnicity. Those raping female detainees were Pero Elez, Dragan Kunarac a.k.a. Žaga and Dragan Gagović a.k.a. Gaga (the head of the Foča police), Marinko Bjelica, and Zoran and Neđo Samardžić. On one occasion, the guards refused entry to Bjelica when he wanted to take out female detainees. One of the soldiers accompanying Žaga and Gaga, a female called Jadranka a.k.a. Jaca/Jasna threatened Witness RM-032 with a knife. Boško Govedarica, the Chief of Police at Kalinovik SJB (see Trial Chamber's finding in chapter 4.5.1 *Schedule C.9.1.*), beat one detainee named Sutko Hasanbegović. Detainees who refused to hand over valuables were also beaten by Elez and his men, Zoran and Neđo Samardžić, and Žaga's men.

774. The Trial Chamber also recalls its finding in chapter 3.1.2 that Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber also recalls from chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military

<sup>3165</sup> Adjudicated Facts I, no. 613.

Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battalion. Based on the evidence reviewed above, Nedo Samardžić was subordinated to Pero Elez.

775. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8, below.

### *Schedule C.9.2*

776. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in an ammunition warehouse in Jelašaćko Polje from 6 July to 5 August 1992.<sup>3166</sup> The Defence argued that the responsibility cannot be imputed onto the VRS or the Accused, since the ammunition warehouse in Jelašaćko Polje was under control and command of the police.<sup>3167</sup> The Trial Chamber took judicial notice of Adjudicated Facts number 743 and 744 relating to events at this place. It additionally received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik;<sup>3168</sup> **Witness RM-032**, a Bosnian-Muslim woman;<sup>3169</sup> as well as **Zijo Hadžić** and **Ismet Poljak**, two Bosnian-Muslim Kalinovik police officers until April 1992,<sup>3170</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>3171</sup> The Trial Chamber also received documentary evidence.

777. On 6 July 1992, detainees from the Kalinovik elementary school were transferred to an ammunition warehouse in Jelašaćko Polje.<sup>3172</sup> **Ismet Poljak** specified that in total 120 Muslims at the school were transferred to the warehouse.<sup>3173</sup> **Fejzija Hadžić**, who was among the detainees, testified that Serb reserve police officers escorted him and the rest of the group to the warehouse, where they were received by uniformed police

<sup>3166</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.9.2.

<sup>3167</sup> Defence Final Brief, paras 1595-1597.

<sup>3168</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3169</sup> P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1.

<sup>3170</sup> P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1; P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 6.

<sup>3171</sup> **Witness RM-032**: Witness RM-032, T. 2380. **Fejzija Hadžić**: P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1849, 1851. **Zijo Hadžić**: P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 5-6. **Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6-7.

<sup>3172</sup> Adjudicated Facts I, no. 743.

officers from Kalinovik.<sup>3174</sup> The detention facility was controlled by a retired policeman called Đorđislav Aškraba who wore a military uniform.<sup>3175</sup> The witness recalled the names of the following guards: Milan Lalović, Vojin Puhalo, Ranko Miljanović, Zoran Puhalo, Rade Lalović, Neđo Vuković, a person with the last name Elez,<sup>3176</sup> a person with the last name Vujičić, and two sons of Čedo Vukadin.<sup>3177</sup> Aškraba had been appointed by Boško Govedarica, the local chief of police, and Grujo Lalović, the president of Kalinovik municipality.<sup>3178</sup> According to a document by the Kalinovik SJB, from 7 July to 7 August 1992, Đorđislav Aškraba, a MUP employee, was seconded to the VRS to carry out the duties and tasks of commander of the detail providing security for Muslim detainees.<sup>3179</sup> Many detainees were severely beaten at the warehouse.<sup>3180</sup> There were no sanitary facilities, the detainees had to sleep on the concrete floor, and received little food and water.<sup>3181</sup> By the beginning of August 1992, some 85 Muslim men were still held at the warehouse.<sup>3182</sup>

778. Based on the foregoing, the Trial Chamber finds that between 6 July and the beginning of August 1992, around 100 Bosnian-Muslim men were detained at an ammunition warehouse in Jelašaćko Polje. There were no sanitary facilities, the detainees had to sleep on the floor, and food and water was limited.

779. The detention facility was run by Đorđislav Aškraba, who had been appointed commander of the facility by Boško Govedarica, the Chief of Police at Kalinovik SJB, and Grujo Lalović, the president of Kalinovik municipality. During this time, Aškraba was seconded to the VRS. The Trial Chamber therefore finds that the guards at the warehouse were subordinated to the VRS.

780. Many detainees at the warehouse were severely beaten. The Trial Chamber finds that they were beaten by the guards at the school.

<sup>3173</sup> P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.

<sup>3174</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1849.

<sup>3175</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2. *See also*, P1425 (Ismet Poljak, witness statement, 25 January 1999), p. 7.

<sup>3176</sup> The Trial Chamber understands this to refer to Pero Elez.

<sup>3177</sup> P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.

<sup>3178</sup> P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6-7.

<sup>3179</sup> P7748 (Certification of the secondment of Đorđislav Aškraba from the Bosnian-Serb MUP to the VRS, 8 April 1993), p. 2.

<sup>3180</sup> Adjudicated Facts I, no. 743.

<sup>3181</sup> Adjudicated Facts I, no. 744.

<sup>3182</sup> Adjudicated Facts I, no. 743.

781. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

*Unscheduled incidents – Kalinovik police station*

782. In addition to Scheduled Incidents C.9.1 and C.9.2, discussed above, the Indictment further includes that the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention facilities in Kalinovik Municipality.<sup>3183</sup> In this respect, the Trial Chamber received evidence from **Witness RM-063** and **Witness RM-012** (reviewed in chapter 4.5.5 and 4.3.7), two Bosnian Muslims from Foča,<sup>3184</sup> about their detention at the Kalinovik police station.

783. **Witness RM-063** stated that on 31 October 1992, four people, including himself, were taken to the Kalinovik MUP where Serb soldiers, referred to as ‘Gardisti’, beat them.<sup>3185</sup> The witness was heavily beaten and sustained three broken ribs which made him ‘practically paralyzed’ and unable to move.<sup>3186</sup> He was kept in a solitary cell for about ten days without any medical aid.<sup>3187</sup> On 10 November 1992, three policemen asked him to get ready to be exchanged, he was blindfolded, put into a police car and driven to the Jažići camp where he was joined by two other detainees and driven to Dobro Polje.<sup>3188</sup> They were given a stick with a white cloth and ordered to walk towards Rogaj where they met the ABiH.<sup>3189</sup>

784. Based on the foregoing, the Trial Chamber finds that from at least 18 September 1992 until 21 March 1993, several people, including at least two Bosnian-Muslim men who gave evidence before this Trial Chamber as Witnesses RM-012 and RM-063, were detained in the Kalinovik police station which was under the control of Boško Govedarica, the Chief of Police at Kalinovik SJB (*see* Trial Chamber’s finding in

<sup>3183</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

<sup>3184</sup> **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.

<sup>3185</sup> P531 (Witness RM-063, witness statement, 10 February 1996), pp. 7-8; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5449.

<sup>3186</sup> P531 (Witness RM-063, witness statement, 10 February 1996), pp. 7-8; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5449.

<sup>3187</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 8.

<sup>3188</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; Witness RM-063, T. 5433.

<sup>3189</sup> P531 (Witness RM-063, witness statement, 10 February 1996), p. 8.

chapter 4.5.1 *Schedule C.9.1*), and Neđelko Zeljaja. Based on the evidence reviewed above and elsewhere in chapter 4.5, the Trial Chamber finds that Zeljaja was the Police Commander at Kalinovik SJB. The two men had been transferred to the police station from KP Dom. After Serb soldiers, referred to as ‘Gardisti’, administered a severe beating on 31 October 1992, Witness RM-063 was kept in solitary confinement for about ten days without medical aid despite his sustained injuries. On 21 March 1993, Witness RM-012 was taken out of police station by ‘Serb soldiers’, including Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun. One of them threatened the witness’s life by putting a knife to his throat and a rifle to his temple and the witness had to curse ‘Alija’ and his daughter. The Trial Chamber recalls its finding in chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. Predrag Trivun a.k.a. Pedo or Pedolino who commanded part of the Miljevina Battallion was also subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Pero Elez headed his own sub-unit, the Miljevina Battallion, under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber will further consider the above, with regard to Witness RM-012 and Witness RM-063, in relation to Count 3 of the Indictment in chapter 8, below.

*4.5.3 Destruction of private and public property, including cultural monuments and sacred sites*

785. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Schedule D.6, in Kalinovik Municipality between 12 May 1992 and 30 November 1995.<sup>3190</sup> In particular, the Indictment sets out that the Ulog mosque, the Hotovlje mosque, the Jesalica mosque, and the Kutina mosque were destroyed after July 1992.<sup>3191</sup> The Prosecution clarified that it was only seeking a conviction with regard to the destruction of two mosques in Kalinovik: the Ulog mosque and another one known as ‘the Hotovlje/Kutina mosque’.<sup>3192</sup> The Trial Chamber understands this clarification to amount to a

<sup>3190</sup> Indictment, paras 47, 52, 59(j), Schedule D.6.

<sup>3191</sup> Indictment, Schedule D.6.

<sup>3192</sup> Prosecution Final Brief, Annex B; T. 44849.

withdrawal of part of the destruction charge concerning Kalinovik Municipality and will not consider further for the purpose of this Scheduled Incident the evidence concerning the alleged destruction of the Jesalica mosque. The Trial Chamber took judicial notice of Adjudicated Fact number 746 relating to the destruction of religious monuments. It also received evidence from expert witness **András Riedlmayer**, bibliographer and art documentation specialist,<sup>3193</sup> and finds that his evidence concerning the specifics of the destruction of the Ulog and Hotovlje mosques is consistent with the Adjudicated Fact.<sup>3194</sup> Furthermore, it received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik.<sup>3195</sup>

786. At the end of July and beginning of August 1992, the mosques of Kalinovik Municipality, namely in Ulog, Hotovlje, Kutina, and Jeslica were destroyed.<sup>3196</sup> According to **Fejzija Hadžić**, ‘the Serb army’ torched three mosques in Kalinovik and blew up the minarets.<sup>3197</sup> **András Riedlmayer** testified that there was no mosque in the Muslim village of Kutine before the war and the Kutine residents were included in the congregation of the mosque of Hotovlje, a neighbouring village.<sup>3198</sup>

787. Based on the evidence of András Riedlmayer, the Trial Chamber finds that Adjudicated Fact number 746 is rebutted as far as the date of destruction of the Kutine mosques is concerned. The Trial Chamber is satisfied that there was no mosque in the village of Kutine during the 1992-1995 war. Accordingly, it will not further consider the alleged destruction of the Kutine mosque as a separate incident in relation to Count 3 of the Indictment. However, the Trial Chamber understands that the alleged destruction of the Hotovlje/Kutina mosque refers to the alleged destruction of the Hotovlje mosque whose congregation included villagers from Kutina and has considered evidence in this regard below.

<sup>3193</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>3194</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 143-149; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>3195</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3196</sup> Adjudicated Facts I, no. 746. Despite differences in spelling, the Trial Chamber considers that the villages mentioned in this chapter are the ones referred to in the Indictment, Schedule D.6.

<sup>3197</sup> Fejzija Hadžić, T. 1838-1839.

<sup>3198</sup> P2503 (Expert report of András Riedlmayer, December 2012), paras 32-33; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 147-148; P2511 (Survey database for expert report of András Riedlmayer).



788. **András Riedlmayer** further testified that the Ulog mosque was blown up.<sup>3199</sup> According to records of the Centre for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina, ‘Serbs’ were responsible for the destruction.<sup>3200</sup> The Hotovlje mosque was damaged by shelling and burned down.<sup>3201</sup>

789. Based on the foregoing, the Trial Chamber finds that at the end of July and beginning of August 1992, the Ulog mosque was blown up and the Hotovlje/Kutina mosque was damaged by shelling and burned down. The evidence concerning the alleged perpetrators of the destruction of the Ulog mosque comes from records of the Centre for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina, which does not identify the original source or that source’s basis of knowledge. The Trial Chamber will therefore not further consider Riedlmayer’s evidence in this respect. Furthermore, the Trial Chamber finds that the evidence of Fejzija Hadžić concerning the perpetrators of the destruction of the Ulog and Hotovlje/Kutina mosques lacks a clear basis of knowledge. In this respect, the Trial Chamber notes that the witness was not an eye-witness to these incidents. Therefore, it considers that the evidence cannot be relied on to identify the perpetrators. Accordingly, the Trial Chamber is unable to identify the perpetrators of the destructions and will not further consider these incidents in relation to Count 3 of the Indictment.

#### *4.5.4 Appropriation or plunder of property*

790. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Kalinovik Municipality between 12 May 1992 and 30 November 1995.<sup>3202</sup> The Trial Chamber received evidence in relation to two specific incidents of alleged plunder: one in relation to detainees at the Kalinovik elementary school and the other in relation to detainees in the ammunition warehouse in Jelašaćko Polje. There are also

<sup>3199</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 143-146; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>3200</sup> P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 6.

<sup>3201</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 147-149; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>3202</sup> Indictment, paras 47, 59(i).

other crimes charged in relation to both of these detention centres. The Trial Chamber has specifically considered the Adjudicated Facts, evidence, and factual findings in relation to these other charges, as set out in chapters 4.5.2 *Schedule C.9.1* and 4.5.1 *Schedule B.7.1*. In addition to this, **Witness RM-032**, a Bosnian-Muslim woman,<sup>3203</sup> testified that at some point during her detention at the Kalinovik elementary school in July and August 1992, a group of soldiers robbed her of her valuables.<sup>3204</sup> ‘Žaga’ told her that these soldiers were Ćosa’s men.<sup>3205</sup>

791. Based on the above, the Trial Chamber finds that on 5 August 1992, Serb soldiers headed by Pero Elez took valuables away from around 25 Bosnian-Muslim detainees at the ammunition warehouse in Jelašačko Polje. At the Kalinovik elementary school in July or August 1992, Ćosa’s men, Pero Elez’s men, Zoran and Neđo Samardžić, and Dragan Kunarac’s men took the valuables of the Bosnian-Muslim detainees. The Trial Chamber recalls its finding in chapter 3.1.2 that Brane Ćosović a.k.a Ćosa, Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Brane Ćosović headed the ‘Dragan Nikolić’ Intervention Unit and Pero Elez the Miljevina Battallion. The Trial Chamber recalls from chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez. The Trial Chamber found in chapter 4.5.2 *Schedule C.9.1* that Neđo Samardžić was subordinated to Pero Elez. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

#### 4.5.5 *Forced labour and human shields*

792. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Kalinovik municipality to forced labour and using them as human shields between 12 May 1992 and 30 November 1995.<sup>3206</sup> The Trial Chamber took judicial notice of Adjudicated Fact number 678 which relates to this charge. It also received evidence from **Witness RM-012**, a Bosnian Muslim from Foča who was

<sup>3203</sup> P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1.

<sup>3204</sup> P180 (Witness RM-032, witness statement, 20 October 1998), paras 3-5, 7, 9, 37, 50, 54; Witness RM-032, T. 2384, 2386-2387, 2389.

<sup>3205</sup> P180 (Witness RM-032, witness statement, 20 October 1998), para. 42.

<sup>3206</sup> Indictment, paras 39(c), 47, 59(h).

detained in KP Dom from 26 May 1995 until 18 September 1992,<sup>3207</sup> and finds that this evidence is consistent with the Adjudicated Fact.<sup>3208</sup>

793. Two detainees at the KP Dom were taken by troops to Kalinovik in an army truck and were then separated from twelve other detainees and taken to the police station.<sup>3209</sup> **Witness RM-012**, who was one of the two detainees, stated that this happened on 18 September 1992.<sup>3210</sup> Boško Govedarica was the chief of the police station and Neđelko Zeljaja was the police commander.<sup>3211</sup> The two detainees were kept in the police station and at least one of them was required to drive vehicles for the detection of landmines.<sup>3212</sup> Govedarica told the detainees that they had requested some drivers for this purpose but the decision that these two should be the drivers had been made 'in Foča'.<sup>3213</sup> The witness was taken out about eight times to drive ahead of 'Serb' cars and vehicles to detect mines.<sup>3214</sup> While the two detainees never hit a mine, on one occasion a car behind them hit a mine causing one death.<sup>3215</sup> The witness was later exchanged as further detailed in chapter 4.3.7.

794. Based on the above, the Trial Chamber finds that sometime after 18 September 1992 and before 24 March 1993, Boško Govedarica, the Chief of Police at Kalinovik SJB (*see* Trial Chamber's finding in chapter 4.5.1 *Schedule C.9.1*), and Neđelko Zeljaja, the Police Commander at Kalinovik SJB (*see* Trial Chamber's finding in chapter 4.5.2 *Unscheduled incidents – Kalinovik police station*), or their subordinates, took the Bosnian-Muslim Witness RM-012 and one other person out of the police station and made them drive a number of times in front of other cars in order to detect mines. While the vehicle(s) they drove never hit a mine, on one occasion a car behind them hit a mine killing someone. In this respect, the Trial Chamber also recalls its findings in chapter 4.5.2 concerning the conditions of detention. The Trial Chamber will further consider

<sup>3207</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.

<sup>3208</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.

<sup>3209</sup> Adjudicated Facts I, no. 678.

<sup>3210</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.

<sup>3211</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.

<sup>3212</sup> Adjudicated Facts I, no. 678.

<sup>3213</sup> P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.

<sup>3214</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

<sup>3215</sup> P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

these incidents, insofar as they relate to Witness RM-012, in relation to Count 3 of the Indictment in chapter 8, below.

#### *4.5.6 Imposition and maintenance of restrictive and discriminatory measures*

795. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Kalinovik Municipality between 12 May 1992 and 30 November 1995.<sup>3216</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to the alleged imposition and maintenance of restrictive and discriminatory measures in the municipality.

796. Based entirely on Adjudicated Facts numbers 735 through 738, the Trial Chamber finds that in May 1992, Bosnian Muslims in the municipality were required to carry a permit issued by the crisis staff in order to move around. On 17 May 1992, the SDS crisis staff issued an order to all military-aged Bosnian-Muslim men to report to the municipal secretariat for national defence and to the police twice a week. By 11 June 1992, the movement of the Bosnian-Muslim population was further restricted. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8, below.

#### *4.5.7 Forcible transfer and deportation*

797. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Kalinovik Municipality between March 1992 and 30 November 1995.<sup>3217</sup> Restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats - caused Bosnian Muslims and Bosnian Croats to flee in fear. Others were physically driven out.<sup>3218</sup> The Defence argued that (i) residents wanted to leave Kalinovik as a result of activities of paramilitary formations that were escalating; (ii) the reasons for changes in the ethnic composition of Kalinovik Municipality as set out in a

<sup>3216</sup> Indictment, paras 47, 59(k).

<sup>3217</sup> Indictment, paras 47, 59(f), 67-68, 70.

<sup>3218</sup> Indictment, para. 70.

report by Ewa Tabeau were unclear and therefore a reasonable inference could be made that it was due to naturally occurring circumstances of a chaotic conflict; and (iv) the safety of residents was a continuing concern for the community once the war began and that the Municipal Assembly implemented measures to ensure all residents were protected, thus demonstrating that there was no plan to permanently remove non-Serbs from Kalinovik.<sup>3219</sup> With regard to the defence's argument concerning Ewa Tabeau's report, the Trial Chamber refers to its conclusion in Appendix B. The Trial Chamber received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik,<sup>3220</sup> in relation to one incident of alleged forcible transfer and deportation from the municipality.

798. The Trial Chamber reviewed the evidence of Fejzija Hadžić in relation to scheduled killing incident B.7.1 in chapter 4.5.1. Hadžić managed to escape from the scene of the killing on 5 August 1992.<sup>3221</sup> He then walked all day to join other refugees in Huse, where he was given first aid.<sup>3222</sup> Over the course of many days, the witness made his way to the free territory in Zenica, arriving there on 20 September 1992.<sup>3223</sup>

799. Based on the foregoing, the Trial Chamber finds that Fejzija Hadžić, a Bosnian Muslim from Kalinovik, having survived the killings at a stable in Ratine on 5 August 1992 (*see* chapter 4.5.1 *Schedule B.7.1*), left Ratine, arriving in Zenica in Muslim-controlled territory on 20 September 1992. The Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

<sup>3219</sup> Defence Final Brief, paras 1581-1587.

<sup>3220</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.

<sup>3221</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1842.

<sup>3222</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; Fejzija Hadžić, T. 1842.

<sup>3223</sup> P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1842.

## 4.6 Ključ Municipality

### 4.6.1 Murder

#### *Schedule A.3.3*

800. According to the Indictment, the Accused is responsible for the killing of at least 144 people in Biljani on or about 10 July 1992.<sup>3224</sup> The Defence argued that: (i) the killings at Biljani School were individual and unplanned actions of reservist soldiers, members of the military police, and/or members of the special police forces of SJB Ključ and could not be attributed to the VRS and the Accused as evidence of a genocidal act;<sup>3225</sup> (ii) a battalion of the 17th Light Infantry Brigade led by Samardžija, which was tasked with the mopping-up of Biljani, was ill-disciplined and untrained and that Samardžija had a revenge motive;<sup>3226</sup> (iii) the arrest of individuals in Biljani was consistent with a legitimate operation to process suspected combatants;<sup>3227</sup> and (iv) the Prosecution did not identify any individuals responsible for the alleged killing on the bus and did not establish that the Accused was informed about this incident or that anyone in the VRS chain of command ordered or condoned these acts.<sup>3228</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-021** and **Dževad Džaferagić**, both Bosnian-Muslims from Ključ Municipality,<sup>3229</sup> as well as **Witness RM-010**, a resident of Ključ Municipality,<sup>3230</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>3231</sup> The Trial Chamber also received evidence from **Birte Weiss**, a journalist and former Danish Parliamentarian and minister;<sup>3232</sup> **Ewa Tabeau**, a demographer and statistician;<sup>3233</sup> **Atif Džafić**, the Bosnian-Muslim police commander of

<sup>3224</sup> Indictment, paras 39(a)(i), 59(a)(i), 62(a), Schedule A.3.3.

<sup>3225</sup> Defence Final Brief, paras 59, 125, 1257.

<sup>3226</sup> Defence Final Brief, paras 59, 123, 1258, 1263-1264.

<sup>3227</sup> Defence Final Brief, paras 1258-1259, 1261. The Defence pointed to Witness RM-010's evidence that military police members were putting on uniforms in front of Biljani School when he arrived, Defence Final Brief, para. 1260.

<sup>3228</sup> Defence Final Brief, paras 75, 113, 1265-1266.

<sup>3229</sup> **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021). **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

<sup>3230</sup> **Witness RM-010**: Witness RM-010, T. 1871; P140 (Pseudonym sheet of Witness RM-010).

<sup>3231</sup> **Witness RM-010**: Witness RM-010, T. 1878, 1881, 1888-1890, 1895, 1906-1907. **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-7; Witness RM-021, T. 15962, 15983.

<sup>3232</sup> Birte Weiss, T. 5279-5280.

<sup>3233</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

the Ključ SJB from 1991 to 21 or 22 May 1992;<sup>3234</sup> **Grujo Borić**, Commander of the 2KK from July 1992 to December 1994;<sup>3235</sup> **Rajko Kalabić**, a member of the Ključ Crisis Staff;<sup>3236</sup> and **Nicolas Sébire**, investigator for the Prosecution,<sup>3237</sup> as well as documentary evidence.

*Rounding up of Bosnian Muslims on 10 July 1992*

801. In the village of Biljani, the hamlets of Brkići, Džaferagići, Botonići, and Jakubovac were exclusively inhabited by Bosnian Muslims.<sup>3238</sup> On 10 July 1992, in accordance with an order issued by the commander of the local battalion, Bosnian-Muslim men, aged 18 to 60, and women from the Biljani hamlets were rounded up by VRS soldiers and Bosnian-Serb police near Biljani primary school.<sup>3239</sup> **Witness RM-010** testified that they were first told to go to a meadow near the village and await further instructions.<sup>3240</sup> At the meadow, there were around 30 Serb soldiers, most wearing olive-drab uniforms and some in camouflage.<sup>3241</sup> Some of the soldiers wore an insignia of a two-headed eagle on their right shoulder and some had four S's on their hats.<sup>3242</sup> While he could not remember the precise detail of the insignia, Witness RM-010 testified that the soldiers were VRS reservists.<sup>3243</sup> He recognised many of the soldiers in the meadow, including Marko Smardžić, the company commander, and his deputy Mladko Tešić.<sup>3244</sup> The witness testified that along the way to the school he saw an increasing number of soldiers from the 'reserve force'.<sup>3245</sup> The witness also saw Milan Tomić who was the commander of the Sanica police, and his deputy Petar Mihić.<sup>3246</sup>

<sup>3234</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>3235</sup> Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608.

<sup>3236</sup> Rajko Kalabić, T. 30198, 30208.

<sup>3237</sup> P3280 (*Stakić* transcript, 3 and 27 September 2002), p. 7330; P3281 (Brđanin transcript, 30 May 2003), p. 16670.

<sup>3238</sup> Adjudicated Facts I, no. 766.

<sup>3239</sup> Adjudicated Facts I, nos 767-768.

<sup>3240</sup> Witness RM-010, T. 1878.

<sup>3241</sup> Witness RM-010, T. 1878-1881.

<sup>3242</sup> Witness RM-010, T. 1879.

<sup>3243</sup> Witness RM-010, T. 1879-1880.

<sup>3244</sup> Witness RM-010, T. 1880-1881, 1905, 1941-1942. The Trial Chamber understands that the person referred to by the witness as Marko Smardžić is in fact Marko Samardžija.

<sup>3245</sup> Witness RM-010, T. 1882.

<sup>3246</sup> Witness RM-010, T. 1882, 1886, 1942.

802. Two other witnesses provided evidence about the soldiers in Biljani that day. **Witness RM-021** testified that he saw 30 to 40 Serb soldiers near the school.<sup>3247</sup> He described some of them as being dressed as ‘Chetniks’ and clarified that they were wearing camouflage uniforms with cockades on their hats and wore black face masks or had paint on their faces.<sup>3248</sup> The witness testified that there was no defence force in Biljani and that men with weapons had handed them over to the authorities.<sup>3249</sup> Đuro Bjelobrk, a local armed Serb soldier in an old JNA uniform, told the witness to go to the school and register himself, which he did.<sup>3250</sup> **Dževad Džaferagić** stated that on that day he awoke at his house in Biljani at about 5:30 a.m. to the sound of extensive automatic gunfire.<sup>3251</sup> From his house, he saw at a distance of approximately 30 metres, a convoy of 50 to 60 men in civilian clothes being led away with their hands behind their heads.<sup>3252</sup> He also saw men being taken away by a Serb soldier whom he knew to be Mile Pešević who was his neighbour, and two to three unidentified Serbs.<sup>3253</sup> When one of the men asked Pešević whether he could take his insulin shots, Pešević replied: ‘Ya, take it, but you won’t need it, we will use it for our army.’<sup>3254</sup>

*Detention and killings at Biljani School*

803. **Witness RM-010** and **Witness RM-021** were both brought to Biljani School on 10 July 1992. Between 120 and 150 men were confined in two classrooms.<sup>3255</sup> **Witness RM-010** testified that when he arrived in front of the school, he saw military police members getting dressed and putting their white belts and gloves on.<sup>3256</sup> The company commander, Marko Smardžić, was present at the school and greeted some of the members of the military police.<sup>3257</sup> One of the military police members saw the detainees and shouted ‘Look at these good soldiers’, and another one cursed them and said ‘Why are your hands behind your backs? Put your hands on your head and bow

<sup>3247</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5.

<sup>3248</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5; Witness RM-021, T. 15981.

<sup>3249</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5; P2059 (Witness RM-021, *Brdanin* transcript, 27 August 2002), pp. 9088-9089; Witness RM-021, T. 15958, 15961, 15979.

<sup>3250</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-6; Witness RM-021, T. 15962.

<sup>3251</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

<sup>3252</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2, 8.

<sup>3253</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 2.

<sup>3254</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 2.

<sup>3255</sup> Adjudicated Facts I, no. 767.

<sup>3256</sup> Witness RM-010, T. 1882, 1941-1942.

<sup>3257</sup> Witness RM-010, T. 1880-1882, 1905, 1941-1942.



your heads.<sup>3258</sup> **Witness RM-021** testified that several armed Serb soldiers, some wearing JNA uniforms, guarded the school.<sup>3259</sup>

804. **Witness RM-010** testified that after entering the school, the detainees were searched in the corridor and then taken to a classroom.<sup>3260</sup> **Witness RM-021** explained that a soldier searched him and took his belongings and documents before ordering him into a classroom.<sup>3261</sup> **Witness RM-010** estimated that there were between 150 and 170 detainees in the school and about 80 in the classroom in which he was detained.<sup>3262</sup> **Witness RM-021** estimated that more than 100 Muslim men and boys were kept in the Biljani school classrooms.<sup>3263</sup> In the classroom, the witness saw 60 ‘civilians’, all from the hamlets of Biljani.<sup>3264</sup>

805. **Witness RM-021** testified that the deputy commander of the Sanica police sub-station, Petar Mihić, armed and dressed in olive-drab uniform, and two armed ‘Serb soldiers’ wrote down the names and details of the detainees for approximately one hour.<sup>3265</sup> **Witness RM-010** described Mihić as a reserve policeman and testified that he was wearing a blue uniform.<sup>3266</sup> Shortly afterwards, a soldier wearing a camouflage uniform entered the room in which the witness was detained and read out about ten names from the list. Once those ten individuals had identified themselves, the soldier left. Five or ten minutes later, a soldier entered, read out one name, and took that man away. This continued in the same manner every three or four minutes.<sup>3267</sup> One of the men who had been taken away had forgotten his jacket as he was leaving the classroom.<sup>3268</sup> When he told a policeman that he needed it, the policeman responded ‘You will no longer need that jacket. Go out.’<sup>3269</sup> The witness never saw that man again.<sup>3270</sup> During his detention in the classroom the witness heard people being beaten and crying out as well as shooting.<sup>3271</sup> **Witness RM-021** testified that he heard the sound of automatic

<sup>3258</sup> Witness RM-010, T. 1882.

<sup>3259</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-6; Witness RM-021, T. 15983.

<sup>3260</sup> Witness RM-010, T. 1882.

<sup>3261</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.

<sup>3262</sup> Witness RM-010, T. 1883.

<sup>3263</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 6-7.

<sup>3264</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6; Witness RM-021, T. 15962.

<sup>3265</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.

<sup>3266</sup> Witness RM-010, T. 1883-1885; P141 (Handwritten list of 75 persons, undated); P142 (Handwritten list of 125 persons taken prisoner at Biljani elementary school, 10 July 1992).

<sup>3267</sup> Witness RM-010, T. 1883.

<sup>3268</sup> Witness RM-010, T. 1888.

<sup>3269</sup> Witness RM-010, T. 1887-1888.

<sup>3270</sup> Witness RM-010, T. 1888.

<sup>3271</sup> Witness RM-010, T. 1896.

gunfire around the school and at 10 a.m. he heard buses arriving in the school courtyard.<sup>3272</sup>

806. Mihić ordered that the people file out of the classroom in groups of five to ten.<sup>3273</sup> The witness saw the Serb soldiers beat the detainees as they filed out and heard screams of pain.<sup>3274</sup> As a group left the school the witness heard an increase in automatic gunfire.<sup>3275</sup> **Witness RM-010** saw one of the soldiers take five men outside the school and returned without them.<sup>3276</sup> A member of his family who was taken out of the classroom was exhumed from a mass grave in 1996.<sup>3277</sup>

807. **Witness RM-021** saw Braco Marić and Nedeljko Šikman, who were armed and wearing camouflage uniforms, escorting approximately 30 elderly Muslim men through the school.<sup>3278</sup> Marić and Šikman were kicking and punching the men and striking them with their machine-gun butts.<sup>3279</sup> He heard Šikman say ‘Muslims, today is Friday, so today you are going to bow in the Mosque.’<sup>3280</sup> The men were taken to a nearby house after which the witness heard automatic machine-gun and rifle fire.<sup>3281</sup> Several days later, the witness returned to the site where the men were taken and he saw several bullet holes in the wall of the stable near the house, as well as grass stained with blood.<sup>3282</sup>

808. While still in the classroom, Witness RM-021 identified four Serb ‘soldiers’, including Čedomir Malbaša, Steven Karać, and Vlado Lazičić, all arriving from Ključ for what appeared to be an inspection.<sup>3283</sup> Milan Tomić informed the soldiers that ‘things are fine, and according to the plan’.<sup>3284</sup> Tomić told the soldiers that there was no place on the bus for the people in the classroom.<sup>3285</sup> One of the soldiers then said to

<sup>3272</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.

<sup>3273</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; Witness RM-021, T. 15984

<sup>3274</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3275</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3276</sup> Witness RM-010, T. 1896-1897.

<sup>3277</sup> Witness RM-010, T. 1890-1891.

<sup>3278</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9075.

<sup>3279</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3280</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3281</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9075.

<sup>3282</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3283</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.

<sup>3284</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 4, 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.

<sup>3285</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 7-8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.

Tomić ‘take them away and kill them’ and was told to put them in a van.<sup>3286</sup> Two Serb soldiers escorted the witness and other detainees and took them to the hamlet of Brkići.<sup>3287</sup> When they arrived at the house of Huso Botonjić in Brkići, the detainees were ordered to get out and run.<sup>3288</sup> As they ran, one of the soldiers shot in their direction although it appeared to be in the air.<sup>3289</sup> Later the same day, the men fled and hid in the woods outside the hamlet.<sup>3290</sup>

809. **Witness RM-010** identified some people he knew personally who were detained in the school from two handwritten lists of names of 200 people written by the reserve police.<sup>3291</sup> According to the witness, all the people on the list of 75 names were killed and five or six people on the list of 125 people were sent home.<sup>3292</sup> The witness estimated that approximately 150 people were killed around the school on that day and around 70 were taken away on buses.<sup>3293</sup>

*Transfer from Biljani School to the buses and killings*

810. As described above, after a number of men were executed at the school on 10 July 1992, the remaining people were taken out, beaten, and loaded into a bus.<sup>3294</sup> When the bus filled up, those still waiting to board were taken aside and shot.<sup>3295</sup> At least 144 men were killed in Biljani that day.<sup>3296</sup> **Witness RM-010** testified that a policeman said that the detainees were to go to the bus which they did in groups of five.<sup>3297</sup> While the detainees were going to the buses, one of the soldiers and the policeman beat and cursed one of the detainees.<sup>3298</sup> The witness was punched and kicked in the stomach and beaten all the way to the bus.<sup>3299</sup> Once in the bus, the witness saw that 45 of the 50 seats were

<sup>3286</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.

<sup>3287</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8.

<sup>3288</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8.

<sup>3289</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9077-9078.

<sup>3290</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9077-9078.

<sup>3291</sup> Witness RM-010, T. 1883, 1887-1892; P141 (Handwritten list of 75 persons, undated); P142 (Handwritten list of 125 persons taken prisoner at Biljani elementary school, 10 July 1992).

<sup>3292</sup> Witness RM-010, T. 1888-1890.

<sup>3293</sup> Witness RM-010, T. 1906-1907.

<sup>3294</sup> Adjudicated Facts I, no. 769.

<sup>3295</sup> Adjudicated Facts I, no. 769.

<sup>3296</sup> Adjudicated Facts I, no. 767.

<sup>3297</sup> Witness RM-010, T. 1895.

<sup>3298</sup> Witness RM-010, T. 1897.

<sup>3299</sup> Witness RM-010, T. 1898.

already taken and about 20 people were sitting on the floor.<sup>3300</sup> After driving about 10 to 15 metres into the schoolyard, the bus driver stopped and two military policemen, wearing white belts, boarded and asked for four 'strong, big' men to be taken off the bus.<sup>3301</sup> Ten or 15 minutes later, the witness saw the dead bodies of two of these men near a house where he was taken.<sup>3302</sup> The bus departed and stopped again after another 100 metres.<sup>3303</sup> Another five people, including the witness were selected and taken off the bus at gunpoint.<sup>3304</sup> Two members of a special police unit from Ključ, wearing camouflage uniforms with white belts took them behind a nearby house, cursed their 'Balija mothers', and told them to go ahead.<sup>3305</sup> After seeing four bodies on the grass, the witness and the other four detainees ran away in different directions.<sup>3306</sup> The policemen started shooting at them and repeated their curses.<sup>3307</sup> One of the witness's neighbours fell in front of the witness and had two big holes in his back.<sup>3308</sup> The witness was not injured but laid for an hour or so pretending to be dead because he could still hear soldiers' voices and gun fire in the area.<sup>3309</sup> Soldiers would pass by and say, 'I've had enough for one day.'<sup>3310</sup> **Witness RM-010** testified that many of the killed people were subsequently identified in the exhumation of graves located at Crvena Zemlja and Lanište; the witness personally attended two of these exhumations.<sup>3311</sup>

811. **Dževad Džaferagić**, who was hiding in Biljani at the time and observed everything from his hiding-place, stated that at approximately 10 a.m., groups of Serb soldiers wearing JNA uniforms or camouflage uniforms brought seven to eight Muslim men to a stable.<sup>3312</sup> The witness saw and heard a soldier stop the first group of men on the side of the stable, and fire an automatic rifle at these men, who fell to the ground.<sup>3313</sup> The witness overheard one soldier say to another: 'What to do with this one', another

<sup>3300</sup> Witness RM-010, T. 1899.

<sup>3301</sup> Witness RM-010, T. 1900.

<sup>3302</sup> Witness RM-010, T. 1900.

<sup>3303</sup> Witness RM-010, T. 1901-1903.

<sup>3304</sup> Witness RM-010, T. 1901-1903.

<sup>3305</sup> Witness RM-010, T. 1902-1903.

<sup>3306</sup> Witness RM-010, T. 1903.

<sup>3307</sup> Witness RM-010, T. 1903.

<sup>3308</sup> Witness RM-010, T. 1904.

<sup>3309</sup> Witness RM-010, T. 1904, 1916.

<sup>3310</sup> Witness RM-010, T. 1904.

<sup>3311</sup> Witness RM-010, T. 1907-1913; P142 (List of 125 persons taken prisoner in Biljani elementary school, 10 July 1992); P143 (Video showing the exhumation of mass grave Lanište I, undated); P144 (Video showing the exhumation of mass grave Lanište I, undated). *See also* P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; Witness RM-021, T. 15965-15970; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9083, 9088.

<sup>3312</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3, 8.

replying 'him too', and then more shooting.<sup>3314</sup> After approximately half an hour, he saw another group of seven to eight Muslim men escorted to the same stable and shot to death by one soldier.<sup>3315</sup> The same process happened another one or two times.<sup>3316</sup>

### *Burial*

812. **Witness RM-021** testified that in the evening of 10 July 1992, he heard construction machinery and heavy trucks coming from the area of Biljani School and the direction of the hamlet in Džaferagići. He went in the direction of a building in Biljani where there was a heavy presence of soldiers. Around 300 metres from this building, the witness saw a yellow backhoe that belonged to a factory in Sanica.<sup>3317</sup> The backhoe was 'scooping up dead bodies' from the field and dumping them into a lorry.<sup>3318</sup> The witness heard one of the men working at the site say 'what are we going to do with this small baby, three and a half months old?', to which another man replied 'wrap it up in a blanket and load it onto the truck'.<sup>3319</sup> After he witnessed the bodies being loaded into the lorry, he returned to the woods until the following day.<sup>3320</sup>

**Džaferagić** testified that at approximately 6 p.m. he saw a yellow excavator and a lorry arrive at the stable.<sup>3321</sup> Over a period of approximately 40 minutes, several unidentified Serb soldiers loaded the bodies from the stable onto the excavator, the excavator then drove to the lorry, and the bodies were dumped in the lorry.<sup>3322</sup> The witness heard one of the soldiers say, 'Yes man, that is the way of the true Serb.'<sup>3323</sup> He later found out that the people killed on the other side of the stable included Šemso's wife (Besima), father (Mehmed), brother (Nail), sister (Lejla), niece (Azra), and two children (Almir and Amila).<sup>3324</sup> Their bodies were exhumed and identified from Lanište I in 1996.<sup>3325</sup> The witness remained hidden until approximately 10 p.m. and heard automatic rifle fire

<sup>3313</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3, 8.

<sup>3314</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

<sup>3315</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3-4, 8.

<sup>3316</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.

<sup>3317</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.

<sup>3318</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9081.

<sup>3319</sup> P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9081.

<sup>3320</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.

<sup>3321</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.

<sup>3322</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.

<sup>3323</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.

<sup>3324</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.

<sup>3325</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.

from the direction of Biljani School over a period of approximately two to three hours.<sup>3326</sup>

813. **Witness RM-021** testified that on 11 July 1992, he left the woods and went to the building in Biljani where he had seen the yellow backhoe operating.<sup>3327</sup> The building was now completely destroyed and no traces of the bodies remained.<sup>3328</sup> According to the witness, the bodies included those of Mehmed Džaferagić, Nail Džaferagić, Besima Džaferagić, Amila Džaferagić, Almir Džaferagić, Lejla Sinanović, Azra Sinanović, and of 30 elderly men he had seen being led outside of Biljani School.<sup>3329</sup> The witness identified the blanket in which the baby was wrapped up during the exhumations in 1997.<sup>3330</sup>

*Units present in the Biljani area*

814. The Trial Chamber received evidence concerning military and police formations present in the Biljani area at the time of this incident. **Grujo Borić** testified that Colonel Drago Samardžija was the Commander of the 17th Ključ Light Infantry Brigade.<sup>3331</sup> On 9 July 1992, Drago Samardžija issued an order assigning the 2nd Battalion of the 17th Light Infantry Brigade, reinforced with a reconnaissance platoon, a military police squad, and a police platoon, to block, search, and mop-up the sectors of Donji Biljani, Domazeti, Botonjići, Jabukovac, Osmanovići, and Brkići.<sup>3332</sup> The order further tasked the Sanica police platoon to establish a checkpoint in the sector of the Donji Biljani School, for processing 'suspicious persons' and ordered that 'extreme cases' be sent to the Ključ SJB for further processing.<sup>3333</sup> In the order, Drago Samardžija, forbade the torching and destruction of houses, except when necessary during combat operations.<sup>3334</sup> According to **Borić**, Drago Samardžija received a task from him and then formulated his own order on 9 July 1992.<sup>3335</sup> **Birte Weiss** testified that in July 1999,

<sup>3326</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.

<sup>3327</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.

<sup>3328</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.

<sup>3329</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9; P2059 (Witness RM-021, *Brdanin* transcript, 27 August 2002), pp. 9080-9081.

<sup>3330</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.

<sup>3331</sup> Grujo Borić, T. 34682.

<sup>3332</sup> P520 (Order for further operations issued by Drago Samardžija, 9 July 1992).

<sup>3333</sup> P520 (Order for further operations issued by Drago Samardžija, 9 July 1992).

<sup>3334</sup> P520 (Order for further operations issued by Drago Samardžija, 9 July 1992), p. 2.

<sup>3335</sup> P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 20-24.

Marko Samardžija, a Serb schoolteacher from Sanica in Ključ Municipality, told her that on 9 July 1992, he had attended a meeting of leading officers of the VRS, including Drago Samardžija, in Sanica.<sup>3336</sup> After the meeting, an order was issued that the most ‘extreme national fascists of Muslim nationality’ be sent to Manjača near Banja Luka Municipality.<sup>3337</sup> Marko Samardžija explained that ‘extremists’ were persons who were a danger to the Serb population and included young men from families that had participated in the 1941 massacre of Serbs in that area.<sup>3338</sup> He added that there were lists of citizens who were to be brought in to Biljani School to be registered and that these lists contained names of more than just the 14 people that he identified as ‘extremists’.<sup>3339</sup>

815. **Borić** testified that during the operation, the Ključ SJB was placed under Samardžija’s command.<sup>3340</sup> The operation was monitored by Colonel Mićo Vlaisavljević, the Chief of Staff of the 2KK.<sup>3341</sup> On 10 July 1992, Vlaisavljević was present at the barracks in Lanište and could communicate with Borić, if necessary.<sup>3342</sup> On the same day Borić was informed that Samardžija’s operation had been carried out and the territory had been liberated.<sup>3343</sup> The witness later testified that he was not aware of the operation in Ključ on 10 July 1992.<sup>3344</sup>

816. An official note of the Ključ SJB compiled by the Sanica Reserve Police Station dated 10 July 1992 provides information on the mopping-up action in Sanica by military organs. In the evening of 9 July 1992, the Commander of the Sanica Reserve Police Station was informed by the commander of the battalion quartered in Sanica that on 10 July 1992, his units would undertake a mopping-up operation in the areas of Gornji Biljani and Donji Biljani. He was further informed that it was necessary that members of the reserve police station joined the action. The Commander of the Sanica Reserve Police Station indicated that he had personally informed his superior officer about these issues and received the task for the reserve police station to organize the take-over of

<sup>3336</sup> Birte Weiss, T. 5286-5287, 5289, 5298-5299, 5302, 5323, 5326-5327; P521 (Video of Birte Weiss’s interview with Marko Samardžija, July 1999).

<sup>3337</sup> P521 (Video of Birte Weiss’s interview with Marko Samardžija, July 1999), 00:00:27-00:00:43; 00:01:11-00:01:20.

<sup>3338</sup> Birte Weiss, T. 5301-5302, 5310, 5312, 5325-5326.

<sup>3339</sup> P521 (Video of Birte Weiss’s interview with Marko Samardžija, July 1999), 00:00:44-00:00:55.

<sup>3340</sup> P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 23.

<sup>3341</sup> P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 24-25.

<sup>3342</sup> P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 25.

<sup>3343</sup> P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 26.

any military ‘prisoners’ who would be captured in the locality. In the early morning hours of 10 July 1992, the military units began ‘clearing out’ Gornji Biljani, Donji Biljani, and the hamlets of Jabukovac, Botonjići, Brkići, Osmanovići, Mešani, and Domazeti. It was planned to put the military ‘prisoners’ in a school in Biljani with the help of a unit of the Ključ SJB. According to the note, the Commander of the Sanica Reserve Police Station was in constant communication with organs of the military authorities. At the end of their action, it was agreed that they would send two buses from Ključ to take the ‘prisoners’ back to Ključ.<sup>3345</sup>

817. According to an SJB Ključ report dated 28 September 1992, after the breaking out of the ‘armed rebellion’ on 27 May 1992, there was an increase in criminal offences committed in the municipality.<sup>3346</sup> The following crimes were reported: 36 murders, 106 torchings and explosions, 92 aggravated thefts and thefts, and 140 break-ins predominately of premises in Ključ and Sanica.<sup>3347</sup> The start of war activities were characterized by break-ins and illegal entry into Muslim owned premises by military personnel.<sup>3348</sup> This was followed by a practice of pressuring persons of Muslim ‘nationality’ [sic] to move out by burning their houses, throwing explosive devices, or firing at their houses.<sup>3349</sup> Serious crimes, such as murder, commenced immediately after the war operations had been carried out.<sup>3350</sup> This often involved the taking of members from a household and killing them in front of other members of the household.<sup>3351</sup> There were acts of revenge in reaction to soldiers being killed at the front.<sup>3352</sup> The report provides that information was obtained that the perpetrators were persons in uniform and that the military security organs only seldomly discovered perpetrators and sanctioned them by sending them to the front line.<sup>3353</sup> No charges were initiated because ‘if all these crimes should be made public given the current political situation, the pressure from the international community and how advisable this is at this particular moment’.<sup>3354</sup>

<sup>3344</sup> Grujo Borić, T. 34682-34687.

<sup>3345</sup> P2064 (Official note of SJB Ključ, 10 July 1992).

<sup>3346</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3347</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3348</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3349</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3350</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3351</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 1.

<sup>3352</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 2.

<sup>3353</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 2.

<sup>3354</sup> P2063 (Report of SJB Ključ, 28 September 1992), p. 2.



*Exhumation*

818. **Atif Džafić** stated that he attended the exhumation of the bodies of victims killed at the Biljani School, from the Lanište 1 and 2 mass graves.<sup>3355</sup> To his knowledge, those who were killed were Muslim civilians.<sup>3356</sup> **Rajko Kalabić** testified that Lanište was in Ključ Municipality.<sup>3357</sup>

819. According to a report by **Nicolas Sébire**, in October and November 1996, 189 bodies were exhumed from the mass gravesite Lanište 1, which is situated in a pit on Grmeč Mountain. One hundred and eighty-five were found to be males and four females. One hundred and fifty-nine bodies were identified. One hundred and seventy-nine died as a result of gunshot injuries. The cause of death was not ascertained for ten bodies. Sixty-eight bodies had gunshot injuries to the chest, and 61 had gunshot injuries to the head. Most of the bodies were aged between 16 and 60 years. One was the body of a baby aged approximately six months and 34 were older than 60 years old.<sup>3358</sup> Two male bodies, one aged 63 years and the other 37 years, were exhumed from a field in Biljani referred to as 'Biljani 2'.<sup>3359</sup> They died from gunshot wounds to the head. The bodies of a 38-year-old man and a 27-year-old man were exhumed from two graves referred to as 'Biljani 3' and 'Biljani 4'. They died from gunshot wounds to the head.<sup>3360</sup> Three bodies were exhumed from another grave located in the area of Biljani, referred to as 'Biljani 5': a 48-year-old male, a 57-year-old male and a 69-year-old female.<sup>3361</sup> The two men died from gunshot injuries, and the female's death was most probably caused by strangling.<sup>3362</sup> In a grave referred to as 'Biljani 6', the body of a 54-year-old man was exhumed.<sup>3363</sup> He died from gunshot wounds to his spine.<sup>3364</sup> In

<sup>3355</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 141.

<sup>3356</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 142.

<sup>3357</sup> Rajko Kalabić, T. 30236.

<sup>3358</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 63.

<sup>3359</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 64-65.

<sup>3360</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 65-66.

<sup>3361</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 66.

<sup>3362</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 66.

<sup>3363</sup> P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 66-67.

‘Biljani 7’, five bodies of males, four aged between 30 and 60 years old and one aged 74 years were exhumed; they all died from gunshot injuries.<sup>3365</sup> The bodies of one 85-year-old male and one 59-year-old male were exhumed respectively from the ‘Biljani 8’ and ‘Biljani 9’ graves respectively.<sup>3366</sup> The cause of death for the 85-year-old male was not ascertained while the cause of death of the 59-year-old male was a gunshot wound to the head.<sup>3367</sup> Finally, one 16-year-old male was exhumed from a grave at Crvena Zemlja.<sup>3368</sup> He died from gunshot injuries.<sup>3369</sup> The Trial Chamber received additional evidence on the number of alleged victims of this incident contained *inter alia* in court reports, forensic documentation, and provided by **Ewa Tabeau**.<sup>3370</sup>

<sup>3364</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), pp. 66-67.

<sup>3365</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), p. 67.

<sup>3366</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), pp. 67-68.

<sup>3367</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), pp. 67-68.

<sup>3368</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), p. 69.

<sup>3369</sup> P3284 (Addendum to Exhumations and Proof of Death ‘Autonomous Region of Krajina’, Nicolas Sébire, 16 May 2003), p. 69.

<sup>3370</sup> P3299 (Official Report on exhumation in Sanski Most and Ključ, 22 October 1996); P2068 (Complete court record of exhumation on mass grave and individual graves in Biljani); P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 8-51; P2066 (Report on mass grave at Lanište I); P2069 (Autopsy reports, Lanište I); P2067 (Court record, Red Earth Mass Grave), pp. 8, 10, 12-25; P2069 (Autopsy reports, Lanište I); P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P5304 (Identification record, Amir Balagić); P5305 (Identification record, Alma Avdić); P5306 (Identification record, Alija Avdić); P5307 (Identification record, Safet Avdić); P5308 (Certificate of death for Safet Avdić); P5309 (Autopsy report, Safet Avdić); P5310 (Identification record, Elvir Avdić); P5311 (Identification record, Ferid Avdić); P5312 (Identification Report, Hamdija Avdić); P5313 (Identification report, Osman Avdić); P5314 (Identification report, Tahir Avdić); P5315 (Identification report, Esad Botonjić); P5316 (Identification report, Hakija Botonjić); P5317 (Identification report, Rufad Botonjić); P5318 (Identification report, Derviš Balagić); P5319 (Identification report, Hasib Jašarević); P5320 (Identification report, Ismet Jašarević); P5321 (Identification report, Senad Jašarević); P5322 (Identification report, Ismet Kazić); P5323 (Identification report, Hilmo Mujezinović); P5324 (Identification report, Adil Mulahmetović); P5325 (Identification report, Esad Omanović); P5326 (Death certificate, Esad Omanović); P5327 (Identification report, Muhamed Talić); P4643 (Identification report, Hajrudin Domazet); P5328 (Identification report, Ismet Avdić); P5329 (Identification report, Šemso Cajić); P5330 (Identification report, Mehmed Balgić); P5331 (Identification report, Fahrudin Avdić); P5332 (Identification report, Mujo Domazet); P5333 (Identification report, Mujo Ajkić); P5334 (Identification report, Smajo Čajić).

*The Trial Chamber's findings*

820. Based on the above, the Trial Chamber finds that on 10 July 1992, VRS soldiers including military police, and reserve police members<sup>3371</sup> killed at least 189<sup>3372</sup> Bosnian-Muslim detainees, including women, older men, and one baby in Biljani, in Ključ Municipality. Some of these killings took place in and around Biljani School, and others took place after the detainees were transported away from the school in buses. These killings took place in the context of a mopping-up operation conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade. Prior to the executions, Mile Pešević, a Serb soldier, replied to a Bosnian-Muslim man who asked whether he could take his insulin shots: 'Ya, take it, but you won't need it, we will use it for our army'. Also prior to the executions, one of the Bosnian-Muslim men who had been taken away from a classroom in Biljani School asked a policeman to get his jacket to which he responded 'You will no longer need that jacket. Go out'. Still prior to the executions, military policemen cursed detainees transported out of the school in buses referring to their 'Baliya mothers'. Further, during the execution of a group of seven to eight Bosnian Muslims near a stable, one soldier said to another: 'What to do with this one', another replying 'Him too'. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

*Schedule B.8.1*

821. According to the Indictment, the Accused is responsible for the killing of at least 77 men at a school in Velagići in Ključ Municipality on or about 1 June 1992.<sup>3373</sup> The Trial Chamber understands Scheduled Incident B.8.1 as referring to the alleged killing of at least 77 men in and around Velagići School. The Defence argued that: (i) the men brought to Velagići School admitted to have been shooting until they ran out of

<sup>3371</sup> The Trial Chamber notes that exhibit P2068 mentions 'Serb paramilitary units' as perpetrators. However, this report focuses primarily on the exhumations of mass and individual graves. Further, the section of the report that identifies the perpetrators of the incident does not contain any information regarding the source of this information. Thus, the Trial Chamber does not consider this evidence to be reliable in this regard and will not consider it further.

<sup>3372</sup> The Trial Chamber received evidence on ranges of victims, some higher than the approximate number provided in the Adjudicated Fact. However, the Trial Chamber considers Sébire's evidence on the number of victims, which identifies the number of bodies exhumed from Lanište 1, to be the most reliable and relied on his evidence to establish the number of victims of this scheduled incident.

<sup>3373</sup> Indictment, paras 39(a)(ii), 47, 51-52, 59(a)(ii), 62(b), Schedule B.8.1.

ammunitions and thrown their weapons away prior to their capture; and (ii) the alleged killings were perpetrated by reservist soldiers and were not ordered nor condoned by the VRS.<sup>3374</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. The Trial Chamber further received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;<sup>3375</sup> **Witness RM-016**, a Bosnian Serb from Banja Luka;<sup>3376</sup> **Rajko Kalabić**, a member of the Ključ Crisis Staff;<sup>3377</sup> **Nikola Vračar**, a Serb from Donji Ribnik, Ključ Municipality, who was assigned to the reserve police force at the Ključ SJB in April 1992;<sup>3378</sup> **Ewa Tabeau**, a demographer and statistician;<sup>3379</sup> as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.<sup>3380</sup> With respect to the Banja Luka military court file, composed, *inter alia*, of criminal reports, suspect interviews, and rulings, in evidence as exhibit P3528, the Trial Chamber finds that it is partially consistent with the Adjudicated Facts.<sup>3381</sup> The Trial Chamber will more particularly deal with Adjudicated Fact 772 and specific parts of the Banja Luka military court file, below.<sup>3382</sup>

822. During the evening of 1 June 1992, Bosnian-Serb police from the Velagići checkpoint sent a man to the predominantly Bosnian-Muslim hamlets of Vojići, Nežići,

<sup>3374</sup> Defence Final Brief, paras 1267, 1270, 1274.

<sup>3375</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

<sup>3376</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

<sup>3377</sup> Rajko Kalabić, T. 30198, 30208.

<sup>3378</sup> D789 (Nikola Vračar, witness statement, 4 July 2014), p. 1, paras 1, 3; Nikola Vračar, T. 28616.

<sup>3379</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>3380</sup> **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), paras 39-43, 48-50, 53-55, 60, 67; P147 (Witness RM-018, witness statement, 27 August 2002), paras 6-7, 9; Witness RM-018, T. 1964, 1974-1979, 1982, 1985-1986, 1996, 2013-2015; P152 (Table of names of persons killed at Velagići school). **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 122-123. **Rajko Kalabić**: Rajko Kalabić, T. 30205-30206, 30259-30260. **Nikola Vračar**: D789 (Nikola Vračar, witness statement, 4 July 2014), para. 35. **Documentary evidence**: P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5, 8-40; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4; P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), pp. 3, 10-12. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 4; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p.5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 24, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 397-418; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.

<sup>3381</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 5-12, 23, 26-27, 31, 37-39, 41-43, 45-46, 48, 51, 53, 55-57, 59-63.

<sup>3382</sup> For the Trial Chamber's approach on Adjudicated Facts, *see* Appendix B.

Hačići, Častovići, and Hadžići.<sup>3383</sup> He informed the local population that they were obliged to come to Velagići.<sup>3384</sup> According to the Banja Luka military court file, on this day, members of a military police platoon and members of the intervention platoon with the engineering unit based in Lanište near Ključ, all serving at the military post 4630 in Ključ, had been tasked with gathering ‘civilians’ and ‘prisoners’ who had surrendered and transporting them to the collection centre in Ključ.<sup>3385</sup> **Witness RM-018** specified that the instruction to come to Velagići was directed at all men between the ages of 18 and 60.<sup>3386</sup> He, and approximately 30 other Muslim men, lined up in pairs and holding a white sheet on a stick, walked to the checkpoint where there were already around 70 Muslim males from the villages of Častovići and Vojići.<sup>3387</sup> The checkpoint was manned by police and soldiers.<sup>3388</sup> The men were ordered to line up and throw their valuables on the ground.<sup>3389</sup> The witness threw his ID card, some documents, and some money on the ground.<sup>3390</sup> These articles were immediately collected and taken to a police command nearby.<sup>3391</sup> Ramiz Zukić was singled out, forced to take off all of his clothes and lay face down on the asphalt following which the soldiers stomped on his body.<sup>3392</sup> Željko Radojčić, a member of the Bosnian-Serb police,<sup>3393</sup> made derogatory and threatening anti-Muslim remarks, attempted to hit the witness in the chest with the butt of his rifle, and made humiliating remarks about the witness after which he singled out Husein Fazlić, took him to the command post, and returned alone.<sup>3394</sup> One soldier asked, ‘who do we shoot?’, and Radojčić replied, ‘shoot anyone, they all want to make *džamahirija* here’.<sup>3395</sup> According to the witness, *džamahirija* was a derogatory term referring to a fundamentalist Islamic country.<sup>3396</sup>

<sup>3383</sup> Adjudicated Facts I, no. 770.

<sup>3384</sup> Adjudicated Facts I, no. 770.

<sup>3385</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-10, 17, 19, 21, 23, 26-27, 29-31, 33, 35, 37, 41-42, 48, 50, 53, 56-57.

<sup>3386</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 39-41; Witness RM-018, T. 1964, 1974-1977, 1996.

<sup>3387</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 42-43, 48; Witness RM-018, T. 1976.

<sup>3388</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 43.

<sup>3389</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 45; Witness RM-018, T. 1978.

<sup>3390</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 45.

<sup>3391</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 45.

<sup>3392</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 44; Witness RM-018, T. 1979.

<sup>3393</sup> Although Witness RM-018 uses the term ‘Serb police’, the Trial Chamber understands it to be a reference to the Bosnian-Serb police.

<sup>3394</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 47-48; Witness RM-018, T. 1978-1979.

<sup>3395</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 47-48.

<sup>3396</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 47.

823. The captured were surrounded by soldiers wearing olive-grey JNA uniforms who escorted them, except Zukić and Husein Bajrić, to an elementary school 50 metres away.<sup>3397</sup> Afterwards they were taken to a room on the second floor.<sup>3398</sup> In the school, around 100 residents from the hamlets of Vojići, Nežići, Hačići, Častovići, and Hadžići were confined.<sup>3399</sup> The detainees, all men, were placed in the same room, without windows, which was so crowded that they almost had to sit on one another.<sup>3400</sup> Both Bosnian-Serb policemen and soldiers were present.<sup>3401</sup> While in the room, soldiers identified, searched, and threatened the men.<sup>3402</sup> Around 9:30 p.m., Witness RM-018 heard Zukić, Bajrić, and Fazlić being beaten in front of the school.<sup>3403</sup> After 10 or 15 minutes, he heard gunshots.<sup>3404</sup> At 11:30 p.m., two soldiers came into the room, saying ‘May Alija fuck your mothers’ and beating them, and ordered them all to exit the school and line up.<sup>3405</sup> Two other soldiers were squatting on the left side of the road with their weapons pointing at the detainees.<sup>3406</sup> Once all the men were out of the school, the soldiers escorting them moved away and ordered them to face the squatting soldiers.<sup>3407</sup> After one of the two soldiers who had escorted the detainees said ‘fire’, the two soldiers positioned on the left side of the road started shooting at the detainees.<sup>3408</sup> The soldiers, who were Bosnian Serbs and armed with automatic rifles, killed at least 77 civilians.<sup>3409</sup> According to the Banja Luka military court file, soldiers, who had escorted the detainees, opened fire in conditions of poor visibility when the detainees tried to escape, killing them at the entrance of the school.<sup>3410</sup>

<sup>3397</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 48-51; Witness RM-018, T. 1978-1979.

<sup>3398</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 48-50; Witness RM-018, T. 1978-1979.

<sup>3399</sup> Adjudicated Facts I, nos 770-771.

<sup>3400</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 50; Witness RM-018, T. 1979-1980; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 10, 23, 26-27, 31, 37-39, 48, 51, 53, 57.

<sup>3401</sup> Adjudicated Facts I, no. 771.

<sup>3402</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 51; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 10, 23, 27, 33, 35, 37.

<sup>3403</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 52; Witness RM-018, T. 1979.

<sup>3404</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 52; Witness RM-018, T. 1979.

<sup>3405</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 53-54; Witness RM-018, T. 1980, 2014-2015.

<sup>3406</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 54.

<sup>3407</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 54.

<sup>3408</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 54-55; Witness RM-018, T. 1980, 2013-2014.

<sup>3409</sup> Adjudicated Facts I, no. 772.

<sup>3410</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 11, 17, 19-27, 29-30, 32, 35-37, 39, 42, 48, 51, 53, 57.

824. As soon as Witness RM-018 heard gunfire he fell to the ground and hid under the bodies.<sup>3411</sup> When the shooting stopped, he saw soldiers walking on the bodies and heard them, including a man named ‘Šipo’, shooting people who appeared to be alive.<sup>3412</sup> The witness heard Ismet Jukić, a Muslim man, asking the soldiers to shoot him to ease his suffering.<sup>3413</sup> The witness also heard Fadil Draganović and Enes Keranović talking.<sup>3414</sup> By his voice, the witness identified one of the soldiers present during the shooting as Dragan Vulin.<sup>3415</sup> The witness managed to escape at around 2:30 a.m. and left for the forest.<sup>3416</sup>

825. Serb police and military authorities, who arrived at the school building after the shooting, made arrangements to transfer the bodies to a mass grave site in the woods outside Lanište.<sup>3417</sup> According to the Banja Luka military court file, Colonel Vukašević ordered an engineering unit to transport the bodies.<sup>3418</sup> A total of 77 bodies were exhumed from the mass grave on Mount Grmeč, Lanište II, Ključ Municipality.<sup>3419</sup> All the people whose bodies were found at the site were male Muslim civilians who were identified as residents of Velagići village killed by Serb paramilitary forces outside Velagići primary school on 1 June 1992.<sup>3420</sup>

826. The Trial Chamber received additional evidence concerning the alleged perpetrators of the killings. According to a forensic report, ‘Serbian and Montenegrin aggressors’ killed ‘Bosniak civilians’ from the Velagići area outside of the Velagići school.<sup>3421</sup> According to a document by the High Court in Bihać, Serbian paramilitary formations killed ‘Bosniak civilians’ in the area of Velagići in the summer of 1992.<sup>3422</sup>

827. **Rajko Kalabić** testified that when Colonel Galić heard about the killing on 1 June 1992, he swore, and ordered the arrest of the people who had guarded the

<sup>3411</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 56; Witness RM-018, T. 1980-1981.

<sup>3412</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 56-57.

<sup>3413</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 57; Witness RM-018, T. 1981.

<sup>3414</sup> P146 (Witness RM-018, witness statement, 28 July 1999), para. 63; Witness RM-018, T. 1981.

<sup>3415</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 58-59.

<sup>3416</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 63, 68; Witness RM-018, T. 1981.

<sup>3417</sup> Adjudicated Facts I, no. 773.

<sup>3418</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 12, 17-18, 20, 22, 24, 32, 37.

<sup>3419</sup> Adjudicated Facts I, no. 773.

<sup>3420</sup> Adjudicated Facts I, no. 774.

<sup>3421</sup> P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), p. 3.

<sup>3422</sup> P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5.

school.<sup>3423</sup> Following the incident, an investigating judge was sent to the school to make a record of the crime and several VRS soldiers were arrested in connection with the killings.<sup>3424</sup> The suspects were transferred to Mali Logor, in Banja Luka.<sup>3425</sup> **Witness RM-016** testified that charges of war crimes were brought against Lieutenant Amidžić and 11 other suspects.<sup>3426</sup> They were kept for a short time, before being released to their units in Ključ, without being tried for their participation in the killings.<sup>3427</sup> According to **Witness RM-016**, they were released, after having sent a complaint to General Talić.<sup>3428</sup>

828. The Military Prosecutor reported that on 8 March 1993 proceedings were reopened against the 12 members of the VRS.<sup>3429</sup> Two suspects were placed in custody on 20 July 1993.<sup>3430</sup> On 29 July 1993, the Banja Luka Military Prosecutor proposed to the Investigating Judge of the Banja Luka Military Court to halt the investigative proceedings against the soldiers for two reasons: (i) most suspects were inaccessible to the prosecuting organs and therefore could not be brought into custody; and (ii) the stance of the Bosnian-Serb Deputy Prime Minister and of the Chairman of the Executive Committee of Ključ Municipality.<sup>3431</sup> On the same day, the Investigating Judge accepted this proposal and ordered the termination of the detention without providing further explanation.<sup>3432</sup> According to Witness RM-016 the two soldiers who had been placed in custody were released by the Military Court, with the consent of the President of the Supreme Military Court and of officers of the VRS Main Staff, following a blackmail operation of members of the Ključ Brigade who were also not sanctioned for breach of discipline.<sup>3433</sup> An investigation was reopened in 1996 and the

<sup>3423</sup> Rajko Kalabić, T. 30205-30206, 30252, 30259.

<sup>3424</sup> Adjudicated Facts I, no. 774.

<sup>3425</sup> Adjudicated Facts I, no. 774.

<sup>3426</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 128.

<sup>3427</sup> Adjudicated Facts I, no. 774.

<sup>3428</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), para. 123.

<sup>3429</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), paras 124-125; Witness RM-016, T. 17374-17379, 17448; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4.

<sup>3430</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 45-46, 55-56.

<sup>3431</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), p. 58.

<sup>3432</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 59-63.

<sup>3433</sup> P2375 (Witness RM-016, witness statement, 5 August 2013), paras 124-125; Witness RM-016, T. 17374-17379, 17448.



suspects were placed in custody at the military court.<sup>3434</sup> This investigation concerned ten of the soldiers.<sup>3435</sup>

829. Concerning the course of events at the school, the Trial Chamber notes that there are certain inconsistencies between the Adjudicated Facts and the Banja Luka military court file.<sup>3436</sup> While Adjudicated Fact 772 indicates that the detainees were taken out of the school and ordered to line up in front of the building, before being killed, the court file states that the detainees were killed when they tried to escape. The information contained in the court file is based on the statements of a number of soldiers who were present at the scene. The Trial Chamber finds that Adjudicated Fact 772 has been rebutted in this respect. The Trial Chamber will therefore consider the evidence it received concerning the course of events at the school, including the evidence of Witness RM-018. In that regard, the Trial Chamber notes further discrepancies in the court file concerning the timing of the shooting, the total number of shooting incidents, and the participation of the suspects in these incidents. Even where the Trial Chamber cannot rely on the exact account of the events provided in this document, it can rely on its content in so far as it confirms the participation of the suspects in the killings of detainees at the school.<sup>3437</sup> The Trial Chamber notes that the Banja Luka military court file contains discrepancies, does not provide a clear picture of events, and that there is a serious risk of the information provided being implausible and self-serving. Therefore, considering that Witness RM-018 testified before the Trial Chamber and that the cross-examination by the Defence did not reveal any inconsistencies in his statement with respect to his account of the alleged killings at the school, the Trial Chamber finds Witness RM-018 reliable. Thus, the Trial Chamber will rely primarily on his account of the events in this respect.

<sup>3434</sup> Witness RM-016, T. 17471.

<sup>3435</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 64-68.

<sup>3436</sup> P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996).

<sup>3437</sup> According to the Banja Luka military court file, the military court was seized of the investigation related to the killings discussed in this chapter. Although the court file contains information about the affiliation of the perpetrators, the Trial Chamber notes that it only provides some information about their unit without any explicit reference to the VRS. Considering that the events took place in June 1992, at a time when the VRS had been set up, and that the criminal report contained in the court file and dated 5 June 1992 bears the stamp of the Military Prosecutor's Office at the First Krajina Corps Command, the Trial Chamber finds that the perpetrators were part of the VRS. In this respect, the Trial Chamber further considered Adjudicated Fact 774 which indicated that the suspects arrested in connection to the killings were members of the VRS.

830. With regard to the identification of perpetrators, the Trial Chamber understands that Adjudicated Fact 774 pertains first and foremost to the issue of the identification of the victims. Therefore, the Trial Chamber finds that this Adjudicated Fact does not identify the perpetrators of the killings. The Trial Chamber took judicial notice of Adjudicated Fact 772, addressing specifically this issue, and has received specific evidence on the affiliation of the perpetrators of the alleged killings at the Velagići school from Witness RM-018, Witness RM-016, as well as from exhibits P4683 and P153.

831. With regard to the above-mentioned documentary evidence, and in particular the evidence contained in a report from the Bosnia-Herzegovina MUP on the forensic and operative measures taken during the exhumation and identification of the bodies from mass graves in Ključ Municipality,<sup>3438</sup> the Trial Chamber notes that the report does not provide a basis of knowledge with regard to the identification of the perpetrators as being ‘Serbian and Montenegrin aggressors’. Furthermore, evidence from the ruling of the investigating judge from the Bihać High Court ordering the exhumation of the Lanište II mass grave<sup>3439</sup> has not been considered as the information on the basis of which the judge triggered the investigation with regard to the perpetrators he identifies, is unclear. In addition, the ruling refers to killings which took place in the area of Velagići and does not link the incident to the one alleged to have taken place at the Velagići school. Therefore, based on the above, the Trial Chamber will not further consider the evidence on the perpetrators of the alleged killings contained in these two documents.

832. Considering the foregoing, the Trial Chamber finds that on 1 June 1992, at least 77 Bosnian-Muslim civilian men, who had been detained at the Velagići school, were lined up in front of the building and then shot and killed by members of the VRS. Prior to the men being transported to the school, one soldier asked, ‘who do we shoot?’, and another replied, ‘shoot anyone, they all want to make *džamahirija* here’. Furthermore, prior to the killing, two soldiers threatened the detainees and ordered them out of the school saying ‘May Alija fuck your mothers’. The Trial Chamber further recalls its finding in 4.6.2 *Schedule C.10.3* with respect to the circumstances in which the

<sup>3438</sup> See P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), p. 3.

<sup>3439</sup> See P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5.

detainees were brought to the Velagići school and the conditions in which they were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

#### *4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

##### *Schedule C.10.3*

833. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Velagići School in Ključ Municipality at least between 30 May and 1 June 1992.<sup>3440</sup> The Defence argued that the Prosecution did not lead evidence to prove beyond reasonable doubt that the school was a detention facility.<sup>3441</sup> It further argued that the facilities belonged to civilian authorities and were not under military jurisdiction.<sup>3442</sup> The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident.<sup>3443</sup> It also received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality,<sup>3444</sup> as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.<sup>3445</sup> The Adjudicated Facts and the evidence are reviewed in chapter 4.6.1 *Schedule B.8.1*.

834. Based on the foregoing, the Trial Chamber finds that on 1 June 1992, members of a military police platoon and members of the intervention platoon with the engineering unit, serving at the military post 4630 in Ključ, surrounded a group of about 100 Bosnian-Muslim men between 18 and 60 years of age from the villages of Vojići, Nežići, Hačići, Častovići, and Hadžići who had gathered at a checkpoint in Velagići. All but three of these Muslim men were escorted to the Velagići Elementary School. Upon arrival, two members of the military police, Mile Petrović and Ratko Samac, searched

<sup>3440</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.10.3.

<sup>3441</sup> Defence Final Brief, para. 64.

<sup>3442</sup> Defence Final Brief, para. 1280.

<sup>3443</sup> Adjudicated Facts I, nos 770-771.

<sup>3444</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

<sup>3445</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 39, 49; Witness RM-018, T. 1975-1979, 1996; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-10, 19, 23, 26-27, 29-31, 33, 35, 37-39, 41-42, 48, 50-51, 53, 56-57; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4.

and assaulted the men. The men were then detained in a room without windows on the second floor of the school where soldiers threatened and harassed them. The three Muslim men who had not been escorted to the school with the group of Muslim men were beaten outside of the school. Later, soldiers beat the Muslim men who were being detained inside the room on the second floor of the school and insulted them saying 'May Alija fuck your mothers'. Based on its finding with regard to Scheduled Incident B.8.1, in chapter 4.6.2, the Trial Chamber finds that those detaining and ill-treating the men at the school were members of the VRS. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

*Sanica school and Sitnica school*

835. In addition to Scheduled Incident C.10.3, discussed above, the Accused is alleged to be responsible for detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention centres in Ključ Municipality.<sup>3446</sup> In this respect, the Trial Chamber received evidence from **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,<sup>3447</sup> about detentions at the gym of the Sanica school and, subsequently, at the Sitnica school. This witness, who was detained at both locations, stated that on 1 June 1992, Serb soldiers in JNA uniforms gathered men in Sanica and took them to the gym of the Sanica school.<sup>3448</sup> About 400 people, all non-Serbs, were detained in the gym and were guarded by reserve police officers.<sup>3449</sup> The commander of the Sanica police, Milan Tomić, explained to the detainees that they had to wait for inspectors who were to arrive from Ključ.<sup>3450</sup> The detainees were kept in the gym for a night, were not fed, and were escorted at gunpoint to go to the bathroom.<sup>3451</sup> The next day, the detainees, escorted by the reserve police officers, were taken to another location in Ključ.<sup>3452</sup> On 3 June 1992, the witness was

<sup>3446</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b), (g).

<sup>3447</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. Atif Džafić's evidence has also been reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>3448</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras 84-85, 95.

<sup>3449</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras 84-85.

<sup>3450</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 85.

<sup>3451</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 87.

<sup>3452</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 87.

brought to a school in Sitnica by bus.<sup>3453</sup> He estimated that about three to four buses with 200-250 men in total arrived.<sup>3454</sup> About five Muslim former policemen were detained at the school.<sup>3455</sup> Upon arrival, the detainees were listed and then beaten and interrogated by policemen from Ključ, amongst the policemen was Duško Pavlović. The Serb chief of police in Jajce, Milorad Rakita a.k.a. Taško, was present during the interrogations. The detainees were not fed on the day of their arrival and only received only a small sandwich on the fourth day of their detention.<sup>3456</sup>

836. The Trial Chamber has considered the evidence of Atif Džafić, who was detained at the gym of the Sanica school and at the Sitnica school, where the victims of that incident were also held. He provided a detailed account of what happened in both detention centres and, in particular, about the conditions of detention, With regard to these incidents, the Trial Chamber has not identified any inconsistencies in Džafić's evidence and finds him reliable.

837. Based on the foregoing, the Trial Chamber finds that from 1 June 1992 until 2 June 1992, 400 non-Serbs, almost all, if not all, of whom were Bosnian Muslim and Bosnian Croats,<sup>3457</sup> were detained in the gym of the Sanica school. Milan Tomić was in charge of the detainees at the Sanica school and reserve police officers guarded the detainees. Based on evidence above and in chapter 4.6.1 *Schedule A.3.3*, the Trial Chamber finds that Tomić was the commander of the Sanica police. During their detention, the detainees were not fed and were escorted at gunpoint to the bathroom by the reserve police officers.

838. The Trial Chamber further finds that from 3 until about 7 June 1992, between 200 and 250 civilian men, including non-Serbs, almost all of whom were Bosnian Muslim and Bosnian Croats, previously detained in the gym of the Sanica school, villagers from Sanica, and about five Bosnian-Muslim former policemen, were detained at the Sitnica school. Police forces from Ključ and Jajce controlled the school. The detainees were not fed on the day of their arrival and only received a small sandwich on the fourth day of their detention. Policemen from Ključ, including Duško Pavlović,

<sup>3453</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.

<sup>3454</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.

<sup>3455</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras 96, 99.

<sup>3456</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.

<sup>3457</sup> Džafić described the detainees as non-Serbs. According to Adjudicated Fact number 747, close to 95 per cent of the non-Serbs in Ključ Municipality were Bosnian Muslims and Bosnian Croats. On this basis,

interrogated and beat the detainees in the presence of the Serb chief of police in Jajce, Milorad Rakita, a.k.a. Taško.

839. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

*4.6.3 Destruction of private and public property, including cultural monuments and sacred sites*

840. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.7, in Ključ Municipality, between 12 May 1992 and 30 November 1995.<sup>3458</sup> In particular, the Indictment sets out that the Ključ town, Biljani-Džaferagići, Pudín Han-Velagići, Donji Budelj, Humići, Krasulje, Sanica, and Tićevići mosques, and the Ključ Catholic church were destroyed between 12 May and August 1992.<sup>3459</sup> Scheduled Incident D.7 is limited to the destruction of the aforementioned buildings. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the scheduled incidents.<sup>3460</sup> Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.7. The Defence argued that the Prosecution failed to provide sufficient evidence (i) to establish the perpetrators of the alleged destruction; and (ii) to demonstrate the existence of any policy/plan by the Accused or VRS to destroy cultural property in the municipality.<sup>3461</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to destruction in Ključ Municipality.<sup>3462</sup> Further, it received evidence from **Dževad Džaferagić**, a Bosnian Muslim from Biljani in Ključ Municipality;<sup>3463</sup> **Witness RM-021** and **Witness RM-018**, Bosnian Muslims from Ključ Municipality;<sup>3464</sup> **Asim Egrlić**, a Bosnian Muslim

the Trial Chamber concludes that if not all, almost all of the 400 detainees were Bosnian Muslims and Bosnian Croats.

<sup>3458</sup> Indictment, paras 47, 52, 59(j), Schedule D.7.

<sup>3459</sup> Indictment, Schedule D.7.

<sup>3460</sup> Further on this issue, *see* Appendix B.

<sup>3461</sup> Defence Final Brief, paras 1293-1295, 1298.

<sup>3462</sup> Adjudicated Facts I, no. 776 is reviewed in chapter 4.6.4.

<sup>3463</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

<sup>3464</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021); P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;<sup>3465</sup> **Rajko Kalabić**, a member of the Ključ Crisis Staff;<sup>3466</sup> **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,<sup>3467</sup> and **András Riedlmayer**, bibliographer and art documentation specialist,<sup>3468</sup> and finds that their evidence is consistent with the Adjudicated Facts.<sup>3469</sup> Furthermore, the Trial Chamber received evidence from **Birte Weiss**, a journalist and former Danish Parliamentarian and minister.<sup>3470</sup>

841. Following a Ključ crisis staff's order of 28 May 1992 to surrender weapons, one Catholic church, 3,500 Muslim-owned houses, and at least four Muslim monuments in Ključ Municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosive set by Serb forces during 1992.<sup>3471</sup> According to **Witness RM-018**, on 27 May 1992 the JNA Knin Corps from Lanište and local Serbs began shelling the Muslim houses Pudín Han.<sup>3472</sup> From 28 May to around 31 May 1992, a VRS battalion, together with other units, carried out operations, entering or attacking a number of villages across the municipality, including Hadžići and the hamlet of Pudín Han.<sup>3473</sup> The population of Hadžići was almost exclusively Muslim.<sup>3474</sup> Following the mentioned order, houses were looted and destroyed, a village mosque in Pudín Han was levelled, and village residents were

<sup>3465</sup> P3402 (Asim Egrić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10607.

<sup>3466</sup> Rajko Kalabić, T. 30198, 30208.

<sup>3467</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>3468</sup> András Riedlmayer, T. 17888; P2503 (Expert report of András Riedlmayer, December 2012), para. 75; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>3469</sup> **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2-3. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9. **Witness RM-018**: Witness RM-018, T. 1973, 1975; P151 (IKK regular combat report 44/1-155 signed by Talić, 31 May 1992), para. 5(b). **Asim Egrić**: P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10621. **Rajko Kalabić**: D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 29. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), para. 82. **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-161; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p.6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

<sup>3470</sup> Birte Weiss, T. 5279-5280.

<sup>3471</sup> Adjudicated Facts I, nos 756, 760.

<sup>3472</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 10, 28; Witness RM-018, T. 1971.

<sup>3473</sup> Adjudicated Facts I, nos 761, 777.

<sup>3474</sup> Adjudicated Facts I, no. 762.

forced to leave.<sup>3475</sup> According to **Witness RM-018** local Serbs and the regular army blew up the mosque in Pudin Han.<sup>3476</sup>

842. On 25 June 1992, the command of the VRS 17th Light Infantry Brigade issued an order pursuant to which the brigade units, jointly with the 6th Infantry Brigade and police squads, were to carry out ‘a complete blockade, search and mopping up of the terrain’ in the areas of Rarniči, Krasulje, Hripavci, Ošljak, and Velagići.<sup>3477</sup> The order specifically forbade ‘the torching and destruction of houses except during combat operations if necessary’.<sup>3478</sup>

843. In mid-1992, many villages in Ključ Municipality predominantly inhabited by Bosnian Muslims and by Bosnian Croats were shelled and houses and cars were set on fire and destroyed by Bosnian-Serb forces.<sup>3479</sup> The villages included Krasulje, Gornja and Donja Sanica, Crljeni, the hamlet of Dragonvići, Velagići, Biljani and its surrounding Bosnian-Muslim hamlets, and Prhovo.<sup>3480</sup> **Atif Džafić** specified that between 23 and 31 May 1992 he saw five or six houses set ablaze in Sanica village during the night.<sup>3481</sup> **Witness RM-018** testified that on or about 28 May 1992, he saw local Serbs and the regular army blow up mosques in Krasulje and torch the mosque in Tićevići.<sup>3482</sup> In the period June to mid-July 1992, Serb forces entered several villages and deliberately destroyed religious monuments and around 3,500 houses owned by Muslims in the municipality.<sup>3483</sup> In particular, in the morning of 10 July 1992, the Biljani mosque was set on fire when the village was attacked by Bosnian-Serb forces.<sup>3484</sup> **Dževad Džaferagić** stated that he had seen Dušan Lazić, a Serb soldier he knew, in the village carrying a flame-thrower earlier in the day.<sup>3485</sup> Furthermore, in August 1992 the Ključ town mosque and its minaret were destroyed.<sup>3486</sup> **Asim Egrlić** stated that, by late September 1995, all of the mosques and facilities used to house religious officials in Ključ Municipality and the Catholic church in Ključ Town were

<sup>3475</sup> Adjudicated Facts I, no. 762.

<sup>3476</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 14-15, 27-28; Witness RM-018, T. 1972.

<sup>3477</sup> Adjudicated Facts I, no. 765.

<sup>3478</sup> Adjudicated Facts I, no. 765.

<sup>3479</sup> Adjudicated Facts I, no. 777.

<sup>3480</sup> Adjudicated Facts I, no. 777.

<sup>3481</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), paras. 82, 84.

<sup>3482</sup> P146 (Witness RM-018, witness statement, 28 July 1999), paras 14-15, 27-28; Witness RM-018, T. 1972.

<sup>3483</sup> Adjudicated Facts I, no. 775.

<sup>3484</sup> Adjudicated Facts I, no. 782.

<sup>3485</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.



destroyed.<sup>3487</sup> **Birte Weiss** testified that in November 1996, she saw several villages in Ključ Municipality in which the vast majority of the houses had been damaged or destroyed.<sup>3488</sup> She also saw the ruins of 12-13 destroyed mosques.<sup>3489</sup> She was told that 6,387 buildings had been destroyed in the area.<sup>3490</sup>

844. According to **András Riedlmayer**, in July 1992, Serb forces destroyed the New Town mosque in the Luka Mahala neighbourhood of Ključ Town.<sup>3491</sup> Specific damage caused to this building included fissures indicating signs of blast damage on the base of the minaret of the New Town mosque.<sup>3492</sup> During his 2002 July site visit, the expert witness observed that the foundations of the New Town mosque and the weathered stump of the destroyed minaret remained.<sup>3493</sup> The New Town mosque's building materials were removed and the mosque's cellar hole was used as a rubbish tip during the war.<sup>3494</sup> According to the expert witness, the buildings adjacent to the New town mosque were in good condition.<sup>3495</sup> Further, in July and August 1992, Serb forces burned down the archive and library of the Medžlis of the Islamic community of Ključ.<sup>3496</sup> The content of the archive and library of the Medžlis of the Islamic community of Ključ were also destroyed as well as the Vakuf building and its content.<sup>3497</sup> The expert witness classified the buildings adjacent to the archive and library of the Medžlis of the Islamic community of Ključ as being in good condition.<sup>3498</sup> In 1992, Serb forces destroyed the Alijina Turbe located in the Šarića Brdo

<sup>3486</sup> Adjudicated Facts I, no. 781.

<sup>3487</sup> P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10621.

<sup>3488</sup> Birte Weiss, T. 5281-5282.

<sup>3489</sup> Birte Weiss, T. 5282.

<sup>3490</sup> Birte Weiss, T. 5282.

<sup>3491</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-158; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 6-7; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

<sup>3492</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-157; P2511 (Survey database for expert report of András Riedlmayer).

<sup>3493</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-157; P2511 (Survey database for expert report of András Riedlmayer).

<sup>3494</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 49; P2510 (Formatted entries to expert report of András Riedlmayer), p. 155; P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6.

<sup>3495</sup> P2510 (Formatted entries to expert report of András Riedlmayer), p. 155; P2511 (Survey database for expert report of András Riedlmayer).

<sup>3496</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 63; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 7; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

<sup>3497</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 7.

neighbourhood of Ključ Town.<sup>3499</sup> The expert witness classified the buildings adjacent to the Alijina turbe as being in good condition.<sup>3500</sup> Furthermore, the Martyr's turbe, located in the Hajir-Bašča neighbourhood of Ključ Town, was looted and desecrated during the war.<sup>3501</sup> The interior of the shrine was wrecked, its roof destroyed, its walls damaged by shelling.<sup>3502</sup> Serb forces burned down the Ključ Catholic church around the New Year of 1993 and destroyed its ruins with explosives on 11 February 1993.<sup>3503</sup> During his 2002 July site visit, the expert witness observed that the ruins of the Ključ Catholic church were razed and its site cleared.<sup>3504</sup> According to the expert witness, the buildings adjacent to the Ključ Catholic church were in good condition.<sup>3505</sup>

845. Riedlmayer also testified about the destruction of other religious buildings in Ključ Municipality. According to him, Serb forces destroyed the Velečevo mosque and the Balijevići mosque and mekteb in 1992.<sup>3506</sup> At the time of the Balijevići mosque's destruction, Serb forces also destroyed most of the houses in the village of Balijevići.<sup>3507</sup> The Velečevo mosque was burned out and its roof and minaret were gone. The Balijevići mosque was burned out and its roof and minaret gone. The Balijevići mekteb was destroyed down to its foundation walls and the adjacent Imam's house was burned out and heavily damaged. The expert witness classified the buildings adjacent to the Velečevo mosque as lightly damaged.<sup>3508</sup>

<sup>3498</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3499</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 7; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3500</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3501</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3502</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3503</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 180; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3504</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 180-182; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3505</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 180; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3506</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 9-10; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3507</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 9.

<sup>3508</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

846. On 31 May 1992, Serb forces destroyed the Krasulje mosque.<sup>3509</sup> The mosque's ruins were levelled, all building materials had been removed, the foundations as well as the stump of the minaret remained, and the Imam's house had burned.<sup>3510</sup> The expert witness classified the buildings adjacent to the Krasulje mosque as heavily damaged.<sup>3511</sup>

847. In July 1992, Serb forces destroyed the Pudín Han-Velagići mosque with explosives.<sup>3512</sup> Its minaret collapsed and the adjacent Imam's house was wrecked.<sup>3513</sup> During his 2002 July site visit, the expert witness observed that the small dome of the Pudín Han-Velagići mosque remained.<sup>3514</sup>

848. Furthermore, Serb forces burned down eight mosques located in villages of the municipality: the Tićevići mosque, as well as the Imam's house and mekteb on 29 May 1992; the Donji Budelj mosque in June 1992; the Husići and Donja Sanica mosques in June 1992; the Sanica mosque on 26 June 1992; the Biljani – Džaferagići mosque on 10 July 1992; the Humići mosque on 4 August 1992; and the Dubočani mosque in 1992.<sup>3515</sup> Serb forces subsequently destroyed the ruins of the Biljani – Džaferagići mosque with explosives.<sup>3516</sup> The minaret of the Sanica mosque was blown up on 1 August 1992.<sup>3517</sup> All sacral objects inside the Sanica mosque, including many copies of

<sup>3509</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 171; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 10; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3510</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 171-172; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3511</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 171; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3512</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 162-165; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 10-11; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3513</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 162-165; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3514</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 162; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3515</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 159-161, 166-170, 173-179; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 7-8, 10-11; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3516</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 159-161; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 8; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3517</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 173; P2511 (Survey database for expert report of Andrés Riedlmayer).

the Holy Qur'an, prayer carpets, and kilims were looted and burned.<sup>3518</sup> During his 2002 July site visit, the expert witness observed damage inflicted to some of these buildings: the interiors of the Humići and Tićevići mosques were gutted, parts of their perimeter walls, albeit damaged, were still standing and revealed embedded charred timbers and wooden elements, as indication of destruction by fire; the stump of the Sanica mosque's minaret was still standing; fragments of the foundation walls of the Biljani-Džaferagići mosque were still standing and the metal cap from the top of the minaret was lying on top of rubble.<sup>3519</sup> The Donji Budelj mosque was gutted, its roof and minaret were gone, but part of the perimeter walls and Muslim gravestones remained; the Sanica mosque was gutted, its roof and minaret were gone, but part of the perimeter walls remained standing as well as the stump of the minaret which showed signs of blast damage; the shattered shaft of the Biljani-Džaferagići mosque's minaret was on the ground and only some rubble remained; the roof and minaret of the Husići mosque were gone, its interior gutted and open to the sky, its walls showed signs of blast damage and were partially collapsed and only one perimeter wall stood up to the roofline; the roof and minaret of the Dubočani mosque were gone, its interior gutted and open to the sky, its perimeter walls were damaged but stood up to the roofline, and charred timbers embedded in the stone walls indicating destruction by fire could be observed; the roof and minaret of the Donja Sanica mosque were destroyed, its interior gutted and open to the sky, its stone perimeter walls were damaged but stood up to the roofline, and charred wooden elements embedded in the stone walls indicating destruction by fire could be observed.<sup>3520</sup> According to the expert witness, the buildings adjacent to the Biljani-Džaferagići mosque were under reconstruction, those adjacent to the Husići mosque as being in good condition, and those adjacent to the Tićevići, Dubočani, and Humići mosques were heavily damaged.<sup>3521</sup>

<sup>3518</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 173; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 8.

<sup>3519</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 159-160, 168-170, 173, 176-179; P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3520</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 159-161, 166-167, 173-175; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 8.

<sup>3521</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

849. Moreover, Serb forces blew up the Ramići mosque in 1992 and Serb extremists blew up the minaret of the Kamičak mosque in the spring of 1992.<sup>3522</sup> As a result of the blast, the Kamičak mosque's minaret fell on top of the mosque and destroyed its roof.<sup>3523</sup> The only remaining structural features of the Ramići mosque were some shattered concrete columns, rubble, and the stump of the toppled minaret; the Kamičak mosque's roof was destroyed and the mosque's interior was gutted and open to the sky.<sup>3524</sup> Serb extremists looted and desecrated the Kamičak mosque: the prayer carpets were all stolen and the remaining roof tiles were taken away.<sup>3525</sup>

850. The Trial Chamber has not relied on Riedlmayer's second-hand evidence concerning the alleged date and perpetrators of the destruction of the Biljani-Džaferagići mosque as the information comes from the Biljani Imam and his basis of knowledge is unclear. Furthermore, the Trial Chamber has not relied on Riedlmayer's second-hand evidence concerning the perpetrators and dates of the destruction of the Ključ Catholic church, the Krasulje and Pudín Han-Velagići mosques and of the Tićevići mosque, Imam's house, and mekteb as the evidence comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. Further, the Trial Chamber has not relied on Asim Erglić's evidence on the destruction of the mosques and facilities used to house religious officials in Ključ Municipality as it lacks a basis of knowledge or Birte Weiss's evidence regarding the number of mosques and buildings that were destroyed in Ključ Municipality as the source of knowledge of the information is unclear and she did not provide evidence on the dates of destruction to which she refers.

851. Based on the foregoing, the Trial Chamber finds that, following the Ključ crisis staff's order of 28 May 1992 to surrender weapons, Serb forces destroyed with explosives the Ključ Catholic church and the Atik mosque in Ključ Town during 1992. The Trial Chamber further finds that on or about 28 May 1992, local Serbs and the VRS blew up the Krasulje mosque and burned the Tićevići mosque, Imam's house, and

<sup>3522</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 9-10; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3523</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 9.

<sup>3524</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3525</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 9.

mekteb. During the attack on Pudín-Han and the exclusively Muslim village of Hadžići by a VRS battalion and other units between 28 and 31 May 1992, all houses of Gornji Hadžići were destroyed and local Serbs and the VRS blew up the Pudín Han-Velagići mosque. Members of the JNA Knin Corps from Lanište and local Serbs shelled Muslim houses in the area of Pudín Han shortly before the attack on Pudín-Han. In mid-1992, Bosnian-Serb forces shelled many non-Serb villages of the municipality and attacked Krasulje, Crljeni, the hamlet of Dragonvići, and Prhovo. Between June to mid-July 1992, Serb forces either completely destroyed or heavily damaged around 3,500 Muslim-owned houses in Ključ Municipality. On or around the morning of 10 July 1992, Bosnian-Serb forces shelled the village of Biljani and its surrounding Bosnian-Muslim hamlets. They set houses on fire and burned the Biljani-Džaferagići mosque and then razed its ruins with explosives. In this respect, the Trial Chamber recalls its finding in chapter 4.6.1 *Schedule A.3.3* that on 10 July 1992 VRS soldiers including the military police and reserve police members killed at least 189 Bosnian-Muslims in Biljani, and that these killings took place in the context of a mopping-up operation conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade. The Trial Chamber therefore finds that the same perpetrators who participated in the killings and mopping-up operation also destroyed the houses and the mosque in Biljani on that same day, 10 July 1992. The Trial Chamber will consider these incidents further in relation to Count 3 of the Indictment in chapter 8 below.

852. The Trial Chamber finds that in August 1992 the Ključ New Town mosque was destroyed with explosives. The archive and library of the Medžlis of the Islamic community of Ključ were burned down and the Alijina and the Martyr's turbe were destroyed. The Trial Chamber will not rely, in this instance, on Riedlmayer's second-hand evidence concerning the alleged perpetrators of the destruction of the Ključ New Town mosque, the date and alleged perpetrators of the destruction of the Alijina turbe, and on the date of destruction of the Martyr's Turbe as the information comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. The Trial Chamber has not received evidence on the alleged perpetrator of the destruction of the Martyr's Turbe. Furthermore, the Trial Chamber will not further consider Riedlmayer's evidence on the date and perpetrators of the destruction of the archive and library, which comes from the chief Imam of Ključ as his source of knowledge is unknown. Accordingly, the Trial Chamber is unable to identify the perpetrators of the

destruction of the Ključ New Town mosque as well as the date and perpetrator of the destruction of the other aforementioned buildings and will not further consider these incidents in relation to Count 3 of the Indictment.

853. The Trial Chamber further finds that the Ramići and the Kamičak mosques were blown up. The Husići, the Donja Sanica, the Sanica, the Dubočani, the Donji Budelj, and the Humići mosques were burned down and that the Velečevo mosque, as well as the Balijevići mosque, mekteb, and most of the houses in the village were destroyed. Furthermore, between 23 and 31 May 1992, several houses in Sanica village were set ablaze during the night. The Trial Chamber will not rely, in this instance, on Riedlmayer's second-hand evidence concerning the alleged perpetrators and dates of the destruction of these sites as the evidence comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. Accordingly, the Trial Chamber is unable to identify the dates or perpetrators of the destruction of the aforementioned buildings. With respect to the destruction of houses in Sanica, the Trial Chamber has not received any evidence on the perpetrators of this destruction. Based on the above, the Trial Chamber will not consider these incidents further in relation to Count 3 of the Indictment in chapter 8 below.

#### *4.6.4 Appropriation or plunder of property*

854. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of the Bosnian Muslims and Bosnian Croats in the Ključ Municipality between 12 May 1992 and 30 November 1995.<sup>3526</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.<sup>3527</sup> It also received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality,<sup>3528</sup> and **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;<sup>3529</sup> and finds that this evidence is consistent with the Adjudicated

<sup>3526</sup> Indictment, paras 47, 59(i).

<sup>3527</sup> Adjudicated Fact nos 757, 762, och 777 is reviewed in chapter 4.6.3.

<sup>3528</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018). Witness RM-018's evidence is also reviewed in chapter 4.6.1 *Schedule B.8.I.*

<sup>3529</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1.

Facts.<sup>3530</sup> The Trial Chamber further received evidence related to alleged plunder incidents in Ključ Municipality from **Dževad Džaferagić**, a Bosnian Muslim from Biljani in Ključ Municipality,<sup>3531</sup> and **András Riedlmayer**, bibliographer and art documentation specialist.<sup>3532</sup>

855. In mid-1992, Bosnian-Serb attacks upon Pudin Han, Prhovo, and Crljeni were accompanied by the looting of valuables, including electronic devices, vehicles, furniture, money, and jewellery.<sup>3533</sup> Bosnian-Serb soldiers, Bosnian-Serb civilians, and the Bosnian-Serb police participated in this looting.<sup>3534</sup> In May 1992, the houses belonging to Bosnian Muslims in the town of Ključ were first looted then set on fire by Bosnian-Serb soldiers.<sup>3535</sup> **Muhamed Filipović** stated that on 28 May 1992, members of the 'Serb Army' searched his and his brother's houses in Ključ and stole some of their belongings, including a TV, a VCR, and money.<sup>3536</sup> His wife, who had been at home at the time, told him afterwards that the soldiers said that they were from Kragujevac in Serbia.<sup>3537</sup> They were accompanied by a local policeman named Ćirić.<sup>3538</sup> According to a report on the work and activities of the Ključ SJB, dated July 1992, a large number of cars, tractors, and lorries were stolen during the combat operations in Ključ Municipality, which began on 27 May 1992.<sup>3539</sup> The report mentions that members of the units who participated in combat activities and mopping up of the terrain in the municipality, namely SJB units in cooperation with the command of the 30th Division, were prone to looting houses.<sup>3540</sup>

856. **Dževad Džaferagić** stated that on 10 July 1992 he saw Dušan Lazić, a Serb soldier he knew, in front of the house of Rifet Avdić in Biljani.<sup>3541</sup> He heard Lazić demand fuel from Avdić's wife Haba, and another soldier demand the keys to Avdić's

<sup>3530</sup> **Witness RM-018:** P146 (Witness RM-018, witness statement, 28 July 1999), paras 4, 28, 31; **Muhamed Filipović:** P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 3-4.

<sup>3531</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

<sup>3532</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1. András Riedlmayer's evidence is also reviewed in chapter 4.6.3.

<sup>3533</sup> Adjudicated Facts I, no. 778.

<sup>3534</sup> Adjudicated Facts I, no. 778.

<sup>3535</sup> Adjudicated Facts I, no. 776.

<sup>3536</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 3-4.

<sup>3537</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 4.

<sup>3538</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 4.

<sup>3539</sup> D358 (SJB Ključ report, July 1992), pp. 6, 11.

<sup>3540</sup> D358 (SJB Ključ report, July 1992), p. 8.

<sup>3541</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2-3.



tractor.<sup>3542</sup> He then saw Haba fall to the ground after the soldier hit her in the face with a club.<sup>3543</sup> When she regained consciousness, she gave them the tractor keys, and the soldiers drove away in the tractor.<sup>3544</sup> As the tractor was leaving, about 20 metres away, three houses were all set on fire.<sup>3545</sup>

857. Based on the above, the Trial Chamber finds that during the attacks on the predominantly Bosnian-Muslim or Bosnian-Croat villages of Pudín Han, Prhovo, and Crljeni in mid-1992, Bosnian-Serb soldiers, Bosnian-Serb civilians, and the Bosnian-Serb police looted valuables, including electronic devices, vehicles, furniture, money, and jewellery, from the villagers. With respect to Pudín Han, the Trial Chamber recalls its finding in chapter 4.6.3 that during the attack on Pudín Han by a VRS battalion and other units between 28 and 31 May 1992, local Serbs and the VRS blew up the Pudín Han-Velagići mosque. The Trial Chamber finds that the same perpetrators who destroyed the mosque also looted the houses in Pudín Han. With respect to Prhovo and Crljeni, the Trial Chamber recalls its finding in chapter 4.6.3 that in mid-1992, Bosnian-Serb forces shelled many non-Serb villages of the municipality and attacked *inter alia* Crljeni and Prhovo.

858. The Trial Chamber further finds that on 1 June 1992, a military police platoon and members of the intervention platoon with the engineering unit took away items, including valuables and money, from approximately 100 Bosnian-Muslim civilian men at the Velagići checkpoint.

859. Concerning the alleged plunder incidents in Ključ Town, the Trial Chamber finds that in late May 1992, Bosnian-Serb soldiers looted houses belonging to Bosnian Muslims in Ključ Town and took money, a VCR, and a TV. The soldiers who looted two of the houses on 28 May 1992 were from Kragujevac in Serbia. The Trial Chamber will further consider these incidents in relation to count 3 of the Indictment in chapter 8 below.

860. In Biljani on 10 July 1992, Dušan Lazić, a Serb soldier, together with another Serb soldier, demanded fuel and the keys to Rifet Avdić's tractor from his wife. She gave them the keys after the Serb soldier hit her in the face with a club. The soldiers drove away with the tractor. The Trial Chamber has not received any evidence about the

<sup>3542</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

<sup>3543</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

<sup>3544</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

ethnicity of the victim of this incident and will therefore not further consider it. The Trial Chamber also finds that the Sanica and Kamičak mosques and the Martyr's turbe, located in the Hahir-Bašća area of Ključ Town, were looted. As explained in Appendix B, the Trial Chamber will not rely on Riedlmayer's second-hand evidence on alleged perpetrators and dates. Consequently, the Trial Chamber is unable to identify the date and alleged perpetrators of the looting of the Kamičak and Sanica mosques and of the Martyr's turbe. Therefore, it will not further consider these incidents in relation to any count of the Indictment.

#### *4.6.5 Forced labour and human shields*

861. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.6.6 Imposition and maintenance of restrictive and discriminatory measures*

862. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Ključ Municipality between 12 May 1992 and 30 November 1995.<sup>3546</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge, including Adjudicated Fact 747, reviewed in chapter 4.6.7. It also received evidence from **Witness RM-010**, a Bosnian Muslim from Ključ Municipality;<sup>3547</sup> **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;<sup>3548</sup> **Witness RM-021**, a Bosnian Muslim from Ključ Municipality;<sup>3549</sup> **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;<sup>3550</sup> **Muhamed Filipović**, a Bosnian

<sup>3545</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

<sup>3546</sup> Indictment, paras 47, 59(k).

<sup>3547</sup> Witness RM-010, T. 1871; P140 (Pseudonym sheet of Witness RM-010).

<sup>3548</sup> P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, paras 1-4, 8-9; P147 (Witness RM-018, witness statement, 27 August 2002), p. 1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

<sup>3549</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021).

<sup>3550</sup> P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.

Muslim from Ključ Municipality;<sup>3551</sup> and **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,<sup>3552</sup> as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.<sup>3553</sup> The Trial Chamber further received evidence from **Rajko Kalabić**, a member of the Ključ Crisis Staff.<sup>3554</sup>

863. In May 1992, Muslims and Croats, who had failed to sign a pledge of loyalty to the new state, as well as one Serb married to a Muslim, were fired from posts in public bodies and companies.<sup>3555</sup> On 7 May 1992, active and reserve police officers were asked to pledge loyalty to the ARK and were issued uniforms with ARK insignia.<sup>3556</sup> Muslim and Croat police officers were then given another chance to sign the pledge on 21 and 22 May 1992, and those who refused to sign were relieved of their duties.<sup>3557</sup> According to **Witness RM-010**, around that time the flag of the Bosnian-Serb Republic was hoisted on the police station in Sanica.<sup>3558</sup> On 26 May 1992, about 300 workers at a Sanica factory were sent home and, upon their arrival by bus at the Sanica checkpoint which was manned solely by Serb policemen, all Muslims were taken off the buses and made to proceed on foot.<sup>3559</sup> They were told not to return to work or Sanica village.<sup>3560</sup> **Muhamed Filipović** stated that on 27 May 1992, the Serb authorities ordered the dismissal of all Muslims and Croats from their positions in Ključ.<sup>3561</sup> He had heard from others that announcements were broadcast on the local radio telling Muslims and Croats

<sup>3551</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.

<sup>3552</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>3553</sup> **Witness RM-010**: Witness RM-010, T. 1873-1877. **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), paras 8-10. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 4-5. **Asim Egrlić**: P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 4-5. **Muhamed Filipović**: P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3, witness statement of 13 March 2001, p. 3. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), paras 74-76, 78; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. **Documentary evidence**: P4020 (Public announcement of the Ključ Municipal Crisis Staff, undated), p. 1.

<sup>3554</sup> Rajko Kalabić, T. 30198, 30208.

<sup>3555</sup> Adjudicated Facts I, nos 753-754.

<sup>3556</sup> Adjudicated Facts I, no. 752.

<sup>3557</sup> Adjudicated Facts I, no. 752.

<sup>3558</sup> Witness RM-010, T. 1874.

<sup>3559</sup> Witness RM-010, T. 1875-1876.

<sup>3560</sup> Witness RM-010, T. 1876.

<sup>3561</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3, witness statement of 13 March 2001, p. 3.

not to go to work.<sup>3562</sup> The witness saw a notice on the hospital saying that all Muslims and Croats should go on leave.<sup>3563</sup>

864. On 25 May 1992, after disarming Muslim police officers, the Serb police established a checkpoint between the predominantly Muslim villages of Biljani and Sanica.<sup>3564</sup> On 27 May 1992, the Ključ Crisis Staff issued an order, signed by President Jovo Banjac, prohibiting citizens from moving within the municipality without special permission from the Ključ SJB.<sup>3565</sup> **Asim Egrlić** and **Filipović** stated that in May 1992, Serb checkpoints were set up in and around Ključ Town.<sup>3566</sup> Egrlić added that all Bosniaks were registered.<sup>3567</sup> Freedom of movement for Muslims was severely restricted.<sup>3568</sup>

865. On 21 July 1992, the war presidency of Ključ Municipality issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic.<sup>3569</sup> Following this decision, the war presidency ordered the dismissal of several non-Serbs from municipal positions, including the positions of president and vice-president of the executive board of the municipality.<sup>3570</sup>

866. **Rajko Kalabić** testified that attacks on Serbs on 26 and 27 May 1992, sparked a revolt among the Serb population and brought the atmosphere to a boiling point, making it difficult to control anyone, especially armed men.<sup>3571</sup> Until then all Muslim employees came to work and performed their tasks and duties without interference, but after that Muslim workers left their jobs of their own free will, not under duress.<sup>3572</sup> Muslim police officers stopped coming to work only because they were not prepared to defend the Bosnian-Serb Republic, and were then dismissed in accordance with the law for failing to turn up for work for more than three days.<sup>3573</sup> One non-Serb, a Croat,

<sup>3562</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 3.

<sup>3563</sup> P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 3.

<sup>3564</sup> Adjudicated Facts I, no. 757.

<sup>3565</sup> P2061 (Ključ Crisis Staff Order prohibiting movement within the Municipality without SJB approval, 27 May 1992).

<sup>3566</sup> P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5; P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3.

<sup>3567</sup> P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5.

<sup>3568</sup> Adjudicated Facts I, no. 757.

<sup>3569</sup> Adjudicated Facts I, no. 755.

<sup>3570</sup> Adjudicated Facts I, no. 755.

<sup>3571</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), paras 6-15; Rajko Kalabić, T. 30194.

<sup>3572</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 16.

<sup>3573</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 22.

remained in the police force in Ključ Municipality until the end of the war, and another Croat, the secretary of 'SIK Ključ',<sup>3574</sup> stayed in his position but retired during the war.<sup>3575</sup> Several Muslims remained in their non-prominent positions in 'SIK Ključ', at the post office, and in various companies.<sup>3576</sup>

867. The Trial Chamber finds Kalabić's evidence that Muslim workers left their jobs of their own free will, not under duress, unreliable in light of his own statement that their departure was linked to a revolt among the Serb population, in which it was difficult to control armed men and after which Muslim workers were unable to perform their duties without interference and Filipović's credible evidence that announcements were broadcast on the local radio telling Muslims and Croats not to go to work. The Trial Chamber also notes that on 27 May 1992, the Ključ Crisis Staff issued an order, signed by President Jovo Banjac, prohibiting citizens from moving within the municipality without special permission from the Ključ SJB.

868. Based on the foregoing, the Trial Chamber finds that in late May 1992, Serb authorities dismissed Bosnian Muslims and Bosnian Croats, who had failed to sign a pledge of loyalty to the Bosnian-Serb state, as well as one Serb married to a Bosnian Muslim, from posts in companies, including the Sanica factory, and public bodies, including the police. The Trial Chamber further finds that the war presidency of Ključ Municipality issued a decision on 21 July 1992 stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic. Following this decision, the war presidency ordered the dismissal of several Bosnian Muslims from municipal positions.<sup>3577</sup> In May 1992, the Ključ crisis staff and Serb police severely restricted freedom of movement for Bosnian Muslims in the municipality. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

<sup>3574</sup> The Trial Chamber understands 'SIK Ključ' to be a reference to a forest and timbering process factory in Ključ.

<sup>3575</sup> Rajko Kalabić, T. 30201-30203.

<sup>3576</sup> Rajko Kalabić, T. 30201-30202.

<sup>3577</sup> Adjudicated Fact I number 755 refers to non-Serbs. Considering that Ključ Municipality consisted almost exclusively of Bosnian Serbs and Bosnian Muslims (*see* Adjudicated Facts I, no. 747), the Trial Chamber concludes that non-Serbs in this context refers to Bosnian Muslims.

#### 4.6.7 Forcible transfer and deportation

869. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Ključ Municipality between 12 May 1992 and 30 November 1995.<sup>3578</sup> The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts – all targeting Bosnian Muslims and Bosnian Croats.<sup>3579</sup> Others were physically driven out.<sup>3580</sup> The Defence argued that the evidence does not prove beyond all reasonable doubt that the authorities intended to remove Bosnian Croats and Bosnian Muslims from the municipality.<sup>3581</sup> In support of this, the Defence submits that authorities, including the ARK Crisis Staff, acknowledged that there were tensions, but implored that there was no reason for any ethnicity to leave the territory of the ARK and did not forcibly transfer.<sup>3582</sup> Although political rhetoric became intemperate and controversial as the conflict intensified, this rhetoric was contrary to the position of the ARK Crisis Staff and no one acted on it.<sup>3583</sup> The Ključ SJB considered the belief among citizens that there was no co-existence between the ethnicities as a problem, not a triumph.<sup>3584</sup> There was no plan to seize Bosnian-Muslim or Bosnian-Croat property.<sup>3585</sup> As a result of the conflict, Bosnian Croats and Bosnian Muslims left between 1992 and 1995, but approximately 20,000 Bosnian Serbs fled the municipality at the end of the conflict.<sup>3586</sup>

870. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.<sup>3587</sup> Further, it received documentary evidence as well as evidence from **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,<sup>3588</sup> **Witness RM-010**, a Bosnian Muslim from Ključ Municipality;<sup>3589</sup>

<sup>3578</sup> Indictment, paras 47, 59(f), 67-69.

<sup>3579</sup> Indictment, para. 70.

<sup>3580</sup> Indictment, para. 70.

<sup>3581</sup> Defence Final Brief, para. 1281.

<sup>3582</sup> Defence Final Brief, paras 1282-1283.

<sup>3583</sup> Defence Final Brief, para. 1285.

<sup>3584</sup> Defence Final Brief, para. 1286.

<sup>3585</sup> Defence Final Brief, para. 1289.

<sup>3586</sup> Defence Final Brief, paras 1284, 1287.

<sup>3587</sup> Adjudicated Facts I, no. 762 is reviewed in chapter 4.6.3.

<sup>3588</sup> P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.

<sup>3589</sup> Witness RM-010, T. 1871-1873, 1876; P140 (Pseudonym sheet of Witness RM-010).

**Dževad Džaferagić**, a Bosnian Muslim from Biljani in Ključ Municipality;<sup>3590</sup> **Witness RM-021**, a Bosnian Muslim from Ključ Municipality;<sup>3591</sup> **Witness GRM-014**, a Serb from Ključ Municipality;<sup>3592</sup> **Birte Weiss**, journalist and former Danish Parliamentarian and minister;<sup>3593</sup> **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994 (reviewed in chapter 4.1.7);<sup>3594</sup> **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad;<sup>3595</sup> **Nikola Vračar**, a Serb from Donji Ribnik, Ključ Municipality, who was assigned to the reserve police force at the Ključ SJB in April 1992;<sup>3596</sup> and **Rajko Kalabić**, a member of the Ključ Crisis Staff;<sup>3597</sup> as well as documentary evidence. The Trial Chamber finds this evidence consistent with the Adjudicated Facts.<sup>3598</sup> The Trial Chamber further received evidence from **Asim Egrić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp,<sup>3599</sup> as well as documentary evidence in relation to this charge.<sup>3600</sup>

871. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Ključ Municipality was 18,506 (49 per cent) Serbs, 17,696 (47 per cent) Muslims, 330

<sup>3590</sup> P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

<sup>3591</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021).

<sup>3592</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), p. 1, paras 1-2; Witness GRM-014, T. 30331; D868 (Pseudonym sheet for Witness GRM-014).

<sup>3593</sup> Birte Weiss, T. 5279-5280.

<sup>3594</sup> P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.

<sup>3595</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21.

<sup>3596</sup> D789 (Nikola Vračar, witness statement, 4 July 2014), p. 1, paras 1, 3; Nikola Vračar, T. 28616.

<sup>3597</sup> Rajko Kalabić, T. 30198, 30208.

<sup>3598</sup> **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), para. 7. **Rajko Kalabić**: Rajko Kalabić, T. 30286-30287. **Velimir Kevac**: D871 (Velimir Kevac, witness statement, 31 July 2014), paras 17, 19; Velimir Kevac, T. 30445, 30534. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 120. **Nikola Vračar**: D789 (Nikola Vračar, witness statement, 4 July 2014), paras 20, 23-24, 27; Nikola Vračar, T. 28672. **Birte Weiss**: Birte Weiss, T. 5282, 5304-5305. **Witness GRM-014**: D869 (Witness GRM-014, witness statement, 17 June 2014), paras 18-19; Witness GRM-014, T. 30326, 30366, 30386, 30397-30398, 30429-30430. **Witness RM-010**: Witness RM-010, T. 1904-1905, 1948-1949. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 9-10; P2058 (Witness RM-021, chart of corrections to witness statement dated 18 February 2001, 27 August 2013); P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9081-9082; Witness RM-021, T. 15987-15988. **Documentary evidence**: P522 (Naïla Botonjić's declaration of permanent and voluntary departure, 17 August 1992); P3398 (Ethnic map of Ključ municipality); P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated); P4071 (Ključ SJB report to Security Services Centre, Banja Luka, 24 October 1992), p. 1; P7046 (Information from Banja Luka CSB, undated); D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality), pp. 1-2.

<sup>3599</sup> P3402 (Asim Egrić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), p. 10607.

<sup>3600</sup> D422 and D423 are reviewed in chapter 4.1.7.

(1 per cent) Croats, 579 Yugoslavs, and 280 persons of other or unknown ethnicity.<sup>3601</sup> By February 1992, Red Berets, White Eagles, and a number of JNA units had entered the territory of Ključ municipality and a Serb TO had been organized.<sup>3602</sup> On 5 May 1992, Jovo Banjac, in his capacity as president of the Council for National Defence, imposed a curfew in the municipality pursuant to a decision of the ARK government.<sup>3603</sup> Banjac told Asim Egrić, president of Ključ Municipality's executive board that Serbs would have to leave some territories of Bosnia-Herzegovina, while Muslims and Croats would have to leave others, so that their respective presence as minorities would amount to no more than five or six per cent.<sup>3604</sup> Banjac was later president of the Ključ War Presidency.<sup>3605</sup> **Asim Egrić** stated that on 7 May 1992, Serbs occupied Ključ City Hall, positioned troops around the city, gave new uniforms to police officers, and placed Serb flags on all important buildings.<sup>3606</sup> On 27 May 1992, armed clashes broke out in the village of Krasulje between local Muslims and the Serb police.<sup>3607</sup> All residents of Ključ Municipality who were members of armed units, including White Eagles, were ordered to place themselves under the command of the Ključ defence operative force.<sup>3608</sup>

872. An agency for the reception and removal of refugees was established on 27 May 1992 by the Ključ Crisis Staff.<sup>3609</sup> Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.<sup>3610</sup> On 6 June 1992, during a session of the Ključ Municipal Assembly Crisis Staff it was noted that the organised removal of the Muslims should be resolved.<sup>3611</sup> On 7 June 1992, political representatives from seven municipalities in the ARK, including Ključ, Prijedor and Sanski Most municipalities, agreed that Bosnian Croats and Bosnian Muslims should be moved from their municipalities until Serb authority could be implemented and maintained in their municipalities.<sup>3612</sup> For this purpose, they asked the ARK Crisis Staff to provide a corridor for the resettlement of Bosnian Croats and Bosnian Muslims in

<sup>3601</sup> Adjudicated Facts I, no. 747.

<sup>3602</sup> Adjudicated Facts I, no. 748.

<sup>3603</sup> Adjudicated Facts I, no. 749.

<sup>3604</sup> Adjudicated Facts I, no. 750.

<sup>3605</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.

<sup>3606</sup> P3402 (Asim Egrić, witness statement, 23 May 1997), p. 5.

<sup>3607</sup> Adjudicated Facts I, no. 758.

<sup>3608</sup> Adjudicated Facts I, no. 759.

<sup>3609</sup> Adjudicated Facts I, no. 789.

<sup>3610</sup> Adjudicated Facts I, no. 789.

<sup>3611</sup> P3758 (Compilation of minutes from the sessions of the Ključ Municipal Assembly Crisis Staff, 27-30 May, 1-6 June, 9 June, 16-18 June, 24 June, 30 June, 10 July), pp. 13-14.

<sup>3612</sup> P3753 (Conclusions from a sub-regional meeting, 7 June 1992), pp. 1-2.



Central Bosnia and 'Alija's independent state'.<sup>3613</sup> They threatened that if the ARK leadership failed to resolve this issue, they would take all Bosnian Croats and Bosnian Muslims under military escort to the centre of Banja Luka.<sup>3614</sup> On 9 June 1992, Veljko Kondić, informed the Ključ Crisis Staff of the conclusions reached by the ARK Crisis Staff, including that the question of population resettlement should be solved and that a team should be formed to work on this issue.<sup>3615</sup> In July 1992, the Ključ SJB bemoaned that misinformation, rumours, frequent arson and fear were making it more difficult to continue living in the municipality, and that citizens frequently believed that it was impossible to co-exist, that ethnically pure areas should be established.<sup>3616</sup> The Ključ SJB reported that it was concerned with ensuring 'minimal safety' for all citizens, but these beliefs placed them in 'a difficult position and one of temptation as regards the professionalism of the service'.<sup>3617</sup>

873. In accordance with a Ključ Crisis Staff decision of 30 July 1992, those who wished to leave the municipality had to submit a statement saying that they were leaving permanently, and were to exchange their property or surrender it to the municipality.<sup>3618</sup> The SNO and SJB were in charge of issuing the relevant documents.<sup>3619</sup> The statement also had to include that the departure was voluntary.<sup>3620</sup> The exchange of property had to be carried out in advance of, or at the latest three months after moving out; otherwise any real estate was to be taken over by Ključ Municipality.<sup>3621</sup> The sale of movable property and real estate was prohibited.<sup>3622</sup> The taking of all movable property from the territory of the municipality was allowed; however, those moving away had to make an inventory of the same which had to be verified by the Secretariat for General

<sup>3613</sup> P3753 (Conclusions from a sub-regional meeting, 7 June 1992), p. 2.

<sup>3614</sup> P3753 (Conclusions from a sub-regional meeting, 7 June 1992), p. 2.

<sup>3615</sup> P3758 (Compilation of minutes from the sessions of the Ključ Municipal Assembly Crisis Staff, 27-30 May, 1-6 June, 9 June, 16-18 June, 24 June, 30 June, 10 July), pp. 14-15.

<sup>3616</sup> D358 (SJB Ključ report, July 1992), pp. 1, 12.

<sup>3617</sup> D358 (SJB Ključ report, July 1992), p. 12.

<sup>3618</sup> Adjudicated Facts I, no. 790.

<sup>3619</sup> Adjudicated Facts I, no. 790.

<sup>3620</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 2. *See also* Birte Weiss, T. 5304-5305; P522 (Naila Botonjić's declaration of permanent and voluntary departure, 17 August 1992); P3403 (Asim Egrić, *Brđanin* transcript, 10 October 2002), pp. 10618-10619; P3406 (Record of resettlement for Sabiha Erglić, 3 August 1992), pp. 1-2.

<sup>3621</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.

<sup>3622</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.

Administration and Social Services or the SJB.<sup>3623</sup> Those individuals whose movable property had been taken for the need of the VRS were prohibited to dispose of the same without the agreement and approval of the military authorities.<sup>3624</sup> In accordance with an ARK decision of 4 August 1992, individuals leaving the ARK could take with them no more than 300 DEM.<sup>3625</sup> This information was passed on by Radio Ključ.<sup>3626</sup> Radio Ključ further informed that the SJB would carry out checks and, in cases of non-compliance with the decision, confiscate money or valuables and take appropriate legal measures against the people concerned.<sup>3627</sup>

874. In late July, a convoy of approximately 1,000 people, which was composed of a majority of Bosnian-Muslim women and children, left Ključ for Travnik. It was one of a number of convoys organised in Ključ Municipality. People had to obtain the necessary documentation, and very few able-bodied men left in this convoy.<sup>3628</sup> Convoys for Bosnian Muslims and Bosnian Croats leaving Ključ for Travnik were organised by the police, who issued the relevant documents.<sup>3629</sup> On 11 September 1992, approximately 500 Bosnian Muslims were transported to Travnik.<sup>3630</sup> At least two other Travnik-bound convoys left in September, including one over-crowded convoy which transported 1,000 Bosnian Muslims and Bosnian Croats, whose names were called prior to their boarding from a list of people who had paid a fare.<sup>3631</sup> **Witness RM-021** testified that he saw several convoys transporting civilians out of Ključ.<sup>3632</sup>

875. Approximately 2,500 Bosnian Muslims and Bosnian Croats, the majority of whom were women, children, and elderly, were also transported from Ključ towards Travnik on 1 October 1992. Bosnian-Serb local police and the Bosnian-Serb army were at the departure point with a list of those who had paid what was asked of them and signed over their property. Bosnian Serbs escorted the convoy to a location 25

<sup>3623</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.

<sup>3624</sup> D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 2.

<sup>3625</sup> Adjudicated Facts I, no. 791.

<sup>3626</sup> Witness GRM-014, T. 30366; P7046 (Information from Banja Luka CSB, undated).

<sup>3627</sup> P7046 (Information from Banja Luka CSB, undated).

<sup>3628</sup> Adjudicated Facts I, no. 785.

<sup>3629</sup> Adjudicated Facts I, no. 786.

<sup>3630</sup> Adjudicated Facts I, no. 787.

<sup>3631</sup> Adjudicated Facts I, no. 787.

<sup>3632</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 9-10.

kilometres away from Travnik, whereupon they demanded money and valuables from the passengers, who then walked to Travnik.<sup>3633</sup>

876. Out of the approximately 17,000 Muslims who had been living in the Ključ area, only around 600 remained there by the summer of 1992.<sup>3634</sup> Most of the Muslims moved out of the municipality in the summer of 1992 due to unbearable circumstances and out of fear.<sup>3635</sup>

877. **Velimir Kevac** testified that there were no combat activities after the surrender of Ključ Municipality and that all ethnicities were fearful.<sup>3636</sup> The Serbs began to self-organize as they feared that they would experience the atrocities of 1941 again.<sup>3637</sup> All residents of Ključ started leaving Ključ in an organized manner.<sup>3638</sup> According to the witness, the non-Serb population in the division's zone of responsibility was protected, especially in the areas with mixed populations such as Donji Vakuf, Šipovo, and Mrkonjić Grad. In these areas, the Muslim population was not expelled, but they could leave if they wanted to. If they wanted to stay, they stayed in these areas without any problems.<sup>3639</sup> As the military had no jurisdiction over the population unless incidents took place on the confrontation line between the ABiH and the VRS, the civilian police force was responsible for protecting the population.<sup>3640</sup> Some of the TO members from Ključ who did not surrender their weapons fled to the territory of Bihać.<sup>3641</sup>

878. **Nikola Vračar** testified that there were Muslims and Croats in Ključ Municipality who did not fight against the Serb forces and stayed in their homes during the entire war.<sup>3642</sup> According to the witness, there were instructions not to compel or encourage people to leave.<sup>3643</sup> He was never ordered, and he never witnessed or heard of any official orders, to expel people from his town.<sup>3644</sup> That people moved out was a consequence of the war and of the lack of everything needed for living.<sup>3645</sup> After the

<sup>3633</sup> Adjudicated Facts I, no. 788.

<sup>3634</sup> Adjudicated Facts I, no. 792.

<sup>3635</sup> Adjudicated Facts I, no. 793.

<sup>3636</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), paras 13-15, 17; Velimir Kevac, T. 30445, 30461.

<sup>3637</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 15.

<sup>3638</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 19.

<sup>3639</sup> D871 (Velimir Kevac, witness statement, 31 July 2014), para. 16.

<sup>3640</sup> Velimir Kevac, T. 30460.

<sup>3641</sup> Velimir Kevac, T. 30462-30463.

<sup>3642</sup> D789 (Nikola Vračar, witness statement, 4 July 2014), paras 22-23.

<sup>3643</sup> Nikola Vračar, T. 28651.

<sup>3644</sup> Nikola Vračar, T. 28672-28673.

<sup>3645</sup> D789 (Nikola Vračar, witness statement, 4 July 2014), paras 20, 24, 27; Nikola Vračar, T. 28672.

conflict, approximately 20,000 Bosnian Serbs left the municipality.<sup>3646</sup> **Rajko Kalabić** stated that after 4 June 1992 transports of Ključ residents were organized by the Civilian Protection Department of the Ključ Municipal Assembly, and for security reasons and safety of the citizens the police escorted these convoys to territory under the control of Muslims and Croats.<sup>3647</sup> Anyone who wanted to leave Ključ was allowed to leave as long as they were not suspected of having committed a criminal offence or misdemeanour.<sup>3648</sup> The Ključ municipal staff did not intend for the Muslims to leave permanently and around 1,000 Muslims stayed in Ključ for the duration of the conflict.<sup>3649</sup> When leaving the municipality, all citizens were allowed to sell their property, give it to others or leave it to their fellow residents to look after.<sup>3650</sup>

879. According to a Bosnia-Herzegovina municipality census, in 1991 the villages Crljeni, Dubočani, Sanica, Velečevo, and Zgon had majority Muslim populations.<sup>3651</sup> **Witness GRM-014** testified that no actions or combat activities were ever taken, nor was any other pressure exerted, against the inhabitants in these villages; they lived in peace until the start of the war in May.<sup>3652</sup> Whoever wanted to stay could do so; no Muslims were expelled and nobody had the objective of driving people away permanently from the municipality.<sup>3653</sup> According to the witness, civilians were only moved out of areas where their lives would be in danger, and he never saw or heard that the army ordered civilians to move out of the territory.<sup>3654</sup> Bosnian Muslims wanting to leave the municipality of Ključ moved voluntarily without interference or pressure.<sup>3655</sup> However, in the period leading up to the war and after the war started, fear and panic was spread among the people, partly due to misinformation and the state of war itself,

<sup>3646</sup> Nikola Vračar, T. 28678-28679.

<sup>3647</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), paras 25-26; Rajko Kalabić, T. 30280, 30287; P7034 (Statement of the Ključ Crisis Staff on assistance to citizens who wish to leave the municipality, 4 June 1992).

<sup>3648</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 25.

<sup>3649</sup> Rajko Kalabić, T. 30283; P7034 (Statement of the Ključ Crisis Staff on assistance to citizens who wish to leave the municipality, 4 June 1992).

<sup>3650</sup> D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 28.

<sup>3651</sup> P7037 (Excerpt of Census data by Municipalities in Bosnia-Herzegovina, 1995), pp. 2-5.

<sup>3652</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 10-11; Witness GRM-014, T. 30318, 30326-30329. The Trial Chamber understands the witness to refer to the start of the war in May 1992.

<sup>3653</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12-13; Witness GRM-014, T. 30324-30325, 30379.

<sup>3654</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 13-14.

<sup>3655</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12-13; Witness GRM-014, T. 30324-30326.

influencing Bosnian Muslims to leave in large numbers.<sup>3656</sup> Those who wanted to return were able to do so.<sup>3657</sup> There were threats, provocations, looting, thefts, shooting, torching of property, and killings and people left due to such incidents.<sup>3658</sup> The army tried to prevent looting but could only do so in relation to military personnel and soldiers.<sup>3659</sup> Some civilians left Ključ following, what the witness described as, the army of the people to which they belonged.<sup>3660</sup>

880. By 12 June 1992, a Residence Commission registered those who wanted to leave the municipality and their property, and placed the property under the protection of the municipality.<sup>3661</sup> The Residence Commission also issued temporary papers for Serb and Croat refugees from Novi Travnik, Zenica, and Bugojno in order for them to move into apartments and houses abandoned by Muslims.<sup>3662</sup> On 19 June 1992, the ARK Crisis Staff issued a decision that ‘the proper municipal organs of administration shall be informed of all abandoned property, which shall then be proclaimed property of the state and placed at the disposal of the municipal assemblies’.<sup>3663</sup> In June 1992, the Ključ Crisis Staff issued a decision that those who wanted to leave the territory had to turn in their property.<sup>3664</sup> In accordance with a Crisis Staff decision, the Ključ authorities claimed temporary ownership of the property that had belonged to Muslims, Croats or Serbs, in order to protect it from being looted or to prevent its decline until the owners returned.<sup>3665</sup> This decision was made in accordance with guidelines received from military and civilian authorities.<sup>3666</sup> People were not forced to move and there was no plunder.<sup>3667</sup> On 10 July 1992, the Ključ Municipal War Presidency was formed out of the Crisis Staff.<sup>3668</sup> The same day, the Ključ War Presidency appointed a commission to retrieve ‘war booty’ – the movable property of Muslims who had left Ključ, for example

<sup>3656</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 18-19; Witness GRM-014, T. 30326, 30386, 30397-30398, 30429-30430.

<sup>3657</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), para. 16.

<sup>3658</sup> Witness GRM-014, T. 30326, 30386-30387, 30398.

<sup>3659</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), para. 17.

<sup>3660</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), para. 19.

<sup>3661</sup> Witness GRM-014, T. 30372; P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 28.

<sup>3662</sup> Witness GRM-014, T. 30372; P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 28.

<sup>3663</sup> P7049 (Official Gazette of the ARK, 23 June 1992), pp. 2-3.

<sup>3664</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12, 15.

<sup>3665</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), paras 15-16; Witness GRM-014, T. 30369, 30418-30419.

<sup>3666</sup> D869 (Witness GRM-014, witness statement, 17 June 2014), para. 16.

<sup>3667</sup> Witness GRM-014, T. 30428.

appliances and washing machines – which had earlier been appropriated by Serbs.<sup>3669</sup> The commission was comprised of Milivoj Janković, Vaso Stojaković, and Dragan Lekić.<sup>3670</sup> The witness testified that the property was to be returned after the war and that abandoned Muslim and Croat apartments were used temporarily to accommodate refugees.<sup>3671</sup>

881. **Witness RM-021** testified that by September 1992 he knew that the villages of Puđin Han, Velagići, Hrustovo in Sanski Most Municipality, Ramići, and Biljani were completely cleansed of their civilian populations.<sup>3672</sup> A report from the VRS 17th Ključ Light Infantry Brigade command of the 2KK, dated 16 February 1993, detailed the numbers of people who had left Muslim villages and communes in Ključ Municipality between May 1992 and January 1993: 4,154 of the 4,200 residents of Sanica; 3,429 of the 3,649 residents of Velagići (lists indicating the desired destinations for the remaining 220 residents had been drafted); 2,655 of the 2,815 residents of Peći; 1,250 of the 1,732 residents of Humići; all of the 778 residents of Sokolovo; and all 24 residents of Gornji Ribnik.<sup>3673</sup> A May 1993 MUP report indicated that between 14,000 and 15,000 Muslims, 200 Croats, and 1,000 Serbs had left the municipality of Ključ; replaced by 2,000 to 3,000 Serbs.<sup>3674</sup>

882. In light of the Trial Chamber's earlier findings that aspects of Kalabić's evidence are unreliable, the Trial Chamber also finds his evidence that all citizens were allowed to sell their property, give it to others or leave it to their fellow citizens, similarly unreliable. Kalabić's evidence is undermined by other credible evidence, including a decision of the Ključ Crisis Staff on 30 July 1992. That decision prohibited the sale of property for those departing the municipality. It required those departing to exchange their property instead. Witness GRM-014 also testified about the existence of this decision.

883. Based on the above, the Trial Chamber finds that between 27 May 1992 and May 1993, at least 14,000 to 15,000 Bosnian Muslims, 200 Bosnian Croats, and 1,000

<sup>3668</sup> P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 33; P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.

<sup>3669</sup> Witness GRM-014, T. 30372-30375; P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.

<sup>3670</sup> P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.

<sup>3671</sup> Witness GRM-014, T. 30376.

<sup>3672</sup> P2057 (Witness RM-021, witness statement, 18 February 2001), p. 10.

<sup>3673</sup> Adjudicated Facts I, no. 794.

<sup>3674</sup> Adjudicated Facts I, no. 795.

Bosnian Serbs left Ključ Municipality. Most Muslims left by the summer of 1992. Several convoys of Bosnian Muslim and Bosnian Croat civilians left the municipality, including at least four convoys that went to Travnik between July and September 1992. Those four convoys totalled well over 2,500 Bosnian Muslims and Bosnian Croats, including a convoy of 1,000 composed of mainly Bosnian Muslim women and children. Also, on 1 October 1992, a convoy of approximately 2,500 Bosnian Muslims and Bosnian Croats departed for Travnik. The majority on that convoy were women, children and elderly. The Trial Chamber finds that most of those who left did so because of fear and unbearable circumstances, such as threats, provocations, looting, thefts, shooting, torching of property, and killings.

884. The Trial Chamber further finds that the convoys were organized by both the Civilian Protection Department of the Ključ Municipal Assembly and the police, and generally escorted by the police to territory under the control of Muslims and Croats. The convoy that left on 1 October 1992 was escorted by Bosnian Serbs, but the Trial Chamber could not determine their affiliation. At the departure point for that convoy, Bosnian-Serb local police and the VRS checked a list of who had paid what was asked of them and had signed over their property.

885. The events described above occurred in circumstances where in early May 1992 the president of the SNO, Jovo Banjac, told Asim Egrlić, president of the Ključ Municipality's executive board, that Serbs, Muslims and Croats that constitute a minority in any territory would need to move so that minorities would amount to no more than five or six per cent. Then, on 30 July 1992, the Ključ Crisis Staff decided that those leaving the municipality were required to declare that they were leaving permanently and voluntarily and to exchange their property or surrender it to the municipality. The SNO and SJB issued the relevant documents pursuant to the decision. In addition, the ARK decided that those leaving could take no more than 300 DEM. Compliance with the ARK decision in Ključ Municipality was checked by the SJB. The Trial Chamber recalls its finding in chapter 4.1.7 that on 20 May 1992, the ARK Crisis Staff concluded that there was no reason for anyone to move out of the ARK territory and decided to broadcast this conclusion on the radio over the following days. On 29 May 1992, the ARK Crisis Staff decided that it would permit Muslims and Croats to leave ARK territory on the condition that Serbs were allowed to move into the ARK and the Bosnian-Serb Republic. It also decided to oppose and prevent all attempts to

pressure or force the population to move. That same day, the ARK Crisis Staff adopted a 'family for family' principle allowing Bosnian Muslims and Bosnian Croats to move out of the ARK on the condition that Serbs from outside 'Serbian autonomous districts and regions' were allowed to move into the ARK and the Bosnian-Serb Republic.. The Trial Chamber also recalls its findings in chapters 4.6.1, 4.6.2, 4.6.3, 4.6.4, and 4.6.6.

886. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8 below.



## 4.7 Kotor Varoš Municipality

### 4.7.1 Murder

#### *Schedule A.4.4*

887. According to the Indictment, the Accused is responsible for the killing of a number of men in or around the school in Grabovica in Kotor Varoš Municipality on or about 3 November 1992.<sup>3675</sup> The Defence argued that: (i) the VRS did not perpetrate the alleged killings in or around Grabovica School and that civilians engaged in violence against Muslims at the school; (ii) the evidence on the alleged killings is minimal and includes unsubstantiated, unclear, and hearsay evidence; (iii) there is no direct evidence supporting that approximately 150 men were killed.<sup>3676</sup> The Trial Chamber took judicial notice of Adjudicated Facts numbers 806 and 807 in relation to this Scheduled Incident.<sup>3677</sup> The Trial Chamber further received evidence from **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;<sup>3678</sup> **Witness RM-802**, a VRS officer;<sup>3679</sup> **Witness RM-009**, a Bosnian Serb from Kotor Varoš;<sup>3680</sup> and **Ewa Tabeau**, a demographer and statistician,<sup>3681</sup> as well as documentary evidence and finds that this evidence does not rebut the Adjudicated Facts.<sup>3682</sup>

<sup>3675</sup> Indictment, paras 39(a)i, 47, 59(a)i, 62(a), Schedule A.4.4.

<sup>3676</sup> Defence Final Brief, paras 1133-1134, 1142-1143.

<sup>3677</sup> Adjudicated Fact I no. 807 is reviewed in chapter 9.2.10.

<sup>3678</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš Light Infantry Brigade, 27 August 1992).

<sup>3679</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

<sup>3680</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).

<sup>3681</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>3682</sup> **Vojislav Kršić**: D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 22; Vojislav Kršić, T. 29291. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), paras 66, 69; Witness RM-802, T. 4632-4634, 4636, 4638. **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), paras 158, 167-168; Witness RM-009, T. 7972-7973. Vojislav Kršić's evidence has also been reviewed in chapter 4.7.2, Witness RM-009's evidence has also been reviewed in chapter 9.2.10, and Witness RM-802's evidence has also been reviewed in chapter 9.2.8. **Ewa Tabeau**: P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p.1; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 14, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 52-93; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decision dated 31 January 2014.

888. On 4 November 1992, approximately 150 men from Večići held at Grabovica School were killed.<sup>3683</sup>

889. **Vojislav Kršić** testified that after he left Grabovica at 10 a.m. around 4 or 5 November 1992, he was told by some soldiers that there was chaos in Grabovica and that Major Mirko Bosić, the Assistant for Security of the Commander of the Brigade, had told him that ‘the population in Grabovica fucked up the situation and people were killed’.<sup>3684</sup> In execution of a request from the command of the 1KK, Kršić wrote a statement of what happened in Grabovica while he was present.<sup>3685</sup> Kršić stated that at the time of the killings, Novaković was in charge of the detainees.<sup>3686</sup>

890. **Witness RM-802** testified that in the evening of 3 November 1992, he was told by a VRS officer that ‘the idiots have killed all who surrendered’.<sup>3687</sup> The VRS officer stated that his units were not involved, but that Novaković and the politicians from Kotor Varoš had been present.<sup>3688</sup> The VRS officer further said that the Muslims had surrendered in a field near Grabovica School, where they were searched and their money, valuables, and pistols were placed in a bag which was then put into the trunk of Nedeljko Đekanović’s car, after which Đekanović, Komljenović, and Novaković left together.<sup>3689</sup> Approximately 15 to 20 minutes after they had left, three to four uniformed VRS soldiers from the 2nd Battalion of the 22nd Brigade and the Kotor Varoš Brigade opened fire on the detainees and ‘just mowed them all down’.<sup>3690</sup> The VRS officer told the witness that the municipal leadership would take measures to remove the detainees’ bodies.<sup>3691</sup> Personnel from the Cesting Company then arrived with machinery to bury the bodies.<sup>3692</sup> The village of Grabovica was in the area of responsibility of the Commander of the Kotor Varoš Brigade.<sup>3693</sup>

<sup>3683</sup> Adjudicated Facts I, nos 803, 806. The Trial Chamber understands the reference to ‘of these men’ in Adjudicated Fact I, no. 806, to be a reference to the ‘armed men from Večići’, mentioned in Adjudicated Fact I no. 803.

<sup>3684</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 22; Vojislav Kršić, T. 29291.

<sup>3685</sup> Vojislav Kršić, T. 29291-29292.

<sup>3686</sup> Vojislav Kršić, T. 29369.

<sup>3687</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 66; Witness RM-802, T. 4531-4532, 4632-4634.

<sup>3688</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 66.

<sup>3689</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 67; Witness RM-802, T. 4531.

<sup>3690</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 67; Witness RM-802, T. 4535, 4636.

<sup>3691</sup> Witness RM-802, T. 4536.

<sup>3692</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 67.

<sup>3693</sup> Witness RM-802, T. 4637.

891. Concerning Witness RM-802's account of the sequence of events related to the alleged killings of a number of non-Serb men at Grabovica School, the Trial Chamber notes that this sequence was communicated by a VRS officer to the witness. However, the Trial Chamber did not receive evidence of the VRS officers's presence at the school at the time of the alleged killings or about the source of the information provided by the VRS officer. Therefore, the Trial Chamber will not rely on the sequence of events related to the alleged killings as reported by the witness.

892. Based on the above, the Trial Chamber finds that on 4 November 1992, members of the VRS 1st Kotor Varoš Brigade and the 2nd Battalion of the 22nd Brigade<sup>3694</sup> killed approximately 150 unarmed Bosnian-Muslim men<sup>3695</sup>, detained at Grabovica School. Of those 150 men, approximately 120 to 130, later found in civilian clothes, had been loaded onto trucks and killed at a field in Duboka and in Maljava while approximately 25 were killed in the school's sports hall. With regard to the status of the killed men, the Trial Chamber recalls its finding in chapter 4.7.1 *Schedule A.4.4* The next day, as the bodies of the victims were gathered, Pero Zarić shot and killed a wounded Bosnian-Muslim detainee who had survived the killings at Grabovica School and was asking for water. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

893. With regard to Vojislav Kršić's evidence on the alleged killing of a Muslim man detained at Grabovica School, the Trial Chamber notes that the witness testified that the incident took place after a mob had seized the man and started beating him. While some soldiers tried to diffuse the situation, an unidentified person killed the man. The Trial Chamber has not received any evidence on the identity or affiliation of the perpetrator of this killing. Considering this and given the circumstances of this specific killing, the

<sup>3694</sup> Concerning Vojislav Kršić's evidence on the role of the local population in Grabovica with respect to the alleged killings of detainees on 4 November 1992, the Trial Chamber finds that Kršić's evidence does not specifically identify the perpetrators of the alleged killings but refers to troubles caused by the local population in Grabovica. Therefore, the Trial Chamber rejects the Defence's argument concerning the role of civilians in the killings.

<sup>3695</sup> Whereas Witness RM-009 testified that approximately 165 bodies were retrieved from Grabovica School and its vicinity, the Trial Chamber notes that the witness more particularly specified that approximately 145 to 155 bodies were collected from the three locations. Under these circumstances, the Trial Chamber has not considered the higher figure provided by Witness RM-009 and relied on the data corresponding to the collection of the bodies. The Trial Chamber further notes that it took notice of Adjudicated Facts 803 and 806 pertaining to the number of victims of this Scheduled Incident. The Trial Chamber has found the evidence of Witness RM-009 to be consistent with these Adjudicated Facts and rejects the Defence's argument concerning the number of alleged victims.

Trial Chamber will not further consider this killing in relation to any counts of the Indictment

*Schedule C and unscheduled murder incidents*

894. In addition to Scheduled Incident A.4.4, discussed above, the Indictment alleges that the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Kotor Varoš Municipality.<sup>3696</sup> With regard to the Defence's general argument on evidence of unscheduled incidents,<sup>3697</sup> the Trial Chamber refers to its Appendix B. The Trial Chamber received evidence concerning many alleged murders in Kotor Varoš Municipality in mid-1992. With regard to these alleged murder incidents, the Trial Chamber received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš;<sup>3698</sup> **Predrag Radulović**, head of an intelligence team known as the Miloš group in the CSB Banja Luka from mid-1991 to 1994;<sup>3699</sup> **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvačani near the town of Kotor Varoš who was approximately 14 years old in 1992;<sup>3700</sup> and **Witness RM-014**, a Bosnian Muslim from Kotor Varoš Municipality.<sup>3701</sup>

895. Further, the Trial Chamber received evidence concerning an alleged murder incident in the Večići area. With regard to this incident, the Trial Chamber took judicial notice of Adjudicated Fact number 803.<sup>3702</sup> The Trial Chamber also received evidence from **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality,<sup>3703</sup> and from **Elvedin Pašić** and finds the evidence to be consistent with the Adjudicated Fact.<sup>3704</sup>

896. **Witness RM-009** provided evidence about the collection of bodies by the Sanitation Unit in Kotor Varoš Municipality between approximately 18 June and

<sup>3696</sup> Indictment, paras 39(a), 47, 52, 59(a), 62(a).

<sup>3697</sup> Defence Final Brief, paras 18-23.

<sup>3698</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).

<sup>3699</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.

<sup>3700</sup> Elvedin Pašić, T. 538-540. The evidence of Elvedin Pašić is reviewed in chapter 4.7.7.

<sup>3701</sup> P2446 (Witness RM-014, witness statement, 25 May 1997), pp. 1-2. The evidence of Witness RM-014 is reviewed in chapter 4.7.7.

<sup>3702</sup> Adjudicated Fact no. 803 is reviewed in chapter 4.7.2.

<sup>3703</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2.

<sup>3704</sup> **Witness RM-089**: P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 6-7; **Elvedin Pašić**: Elvedin Pašić, T. 589, 630. The evidence of Witness RM-089 is also reviewed in chapter 4.7.2.

December 1992.<sup>3705</sup> In all but two cases, the bodies of non-Serbs had gunshot injuries, usually to the head.<sup>3706</sup> All the bodies of non-Serbs collected had civilian clothing.<sup>3707</sup> Members of the Sanitation Unit took part in the burial of approximately 250-300 individuals in Kotor Varoš between June and December 1992, but not all burials were done by the unit because military personnel would sometimes bury their victims, and the relatives or survivors of massacres would sometimes bury their dead after an attack.<sup>3708</sup> The mass graves at Gornja Plitska were subsequently exhumed, leaving behind only a few human remains.<sup>3709</sup> The graves of people buried by members of the Sanitation Unit in the Muslim cemetery of Vrbanjci were also subject to the same fate.<sup>3710</sup> Shortly after the Dayton agreement, the bodies from the Mali Harem graves were transferred to another location by the police and the Cesting Company, which provided the necessary equipment.<sup>3711</sup> The Trial Chamber also considered additional evidence of Witness RM-009 which has been placed in the confidential annex in Appendix D.

*Killing of about 30 people in Vrbanjci*

897. Witness RM-009 heard from multiple sources that on 2 July 1992, military forces under the command of Slobodan Župljanin and Saša Petrović attacked Vrbanjci in retaliation for an ambush by armed Muslims that had killed Milan Stevilović, a member of the security organ of the 1KK and others.<sup>3712</sup> The bodies of the deceased were taken to Donji Vrbanjci while around 20 Muslim survivors were locked in the Alagić cafe. Fifteen of these men were selected to bury the bodies; once the task was partially complete, they were also killed by the military forces. The witness was told that in total 35 people were killed.<sup>3713</sup> On 3 July 1992, Kerezović ordered the Sanitation Unit to go to Vrbanjci to finish the burial of bodies and said that on the orders of Sretko Majstorović, the Minister of War for Kotor Varoš, they were not to bring any non-Serbs

<sup>3705</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 30, 36, 39-40, 76.

<sup>3706</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 76.

<sup>3707</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 76.

<sup>3708</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 74.

<sup>3709</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 185; P853 (Photographs of exhumation at Gorna Plitska), pp. 1-9.

<sup>3710</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 186.

<sup>3711</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 119-121, 188.

<sup>3712</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 123-124, 130; Witness RM-009, T. 8018-8019.

<sup>3713</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 124.

with them.<sup>3714</sup> Members of the unit were ordered to report to the military commanders Miroslav Janičjević and Saša Petrović on arrival.<sup>3715</sup> More than 30 bodies were partially buried in a grave in the Muslim cemetery of Vrbanjci.<sup>3716</sup>

898. Further, with regard to this incident, **Predrag Radulović** stated that during the summer of 1992 non-Serbs were killed in the village of Vrbanjci in retaliation for combat actions of Bosniak armed formations against Serb villages in Kotor Varoš.<sup>3717</sup> These non-Serbs were mostly ‘civilians’.<sup>3718</sup> The Miloš group received information about the involvement of the Banja Luka CSB Special Police Detachment in the Vrbanjci killings.<sup>3719</sup> Župljanin told the witness that SJB Chief Tepić and the National Security Service operative Pejić confirmed the detachment’s participation in the killings.<sup>3720</sup>

#### *Killing of Drago Anušić*

899. Witness RM-009 knew of a man named Drago Anušić who was detained at the *Pilana* company and killed by members of the Special Unit who threw his body in the river.<sup>3721</sup>

#### *Killing of five villagers in Hrvaćani*

900. With regard to the alleged murder incident in Hrvaćani, the evidence of Witness RM-014 and Elvedin Pašić has been reviewed in chapter 4.7.7.

#### *The Trial Chamber’s findings*

901. Based on the foregoing, the Trial Chamber finds that around 13 June 1992, Serb military forces attacked and shelled the Bosnian-Muslim village of Hrvaćani, and killed

<sup>3714</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 125-126; Witness RM-009, T. 8003-8004, 8029-8030.

<sup>3715</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 126.

<sup>3716</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 127, 129.

<sup>3717</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 73.

<sup>3718</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 73.

<sup>3719</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 75.

<sup>3720</sup> P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 75.

<sup>3721</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 33, 79.

five elderly Bosnian-Muslim inhabitants, who remained in the town and were unable to leave prior to the attack, by shooting or burning them.

902. The Trial Chamber further finds that on 2 July 1992, military forces under the command of Slobodan Župljanin and Saša Petrović, or members of the Banja Luka CSB Special Police Detachment, killed at least 30 Bosnian Muslims, including 15 Bosnian-Muslims who were detained in Alagić café, during the attack on Vrbanjci in retaliation for an ambush of VRS forces by armed Muslims. Based on the evidence reviewed above and elsewhere in chapter 3.1.2 and 4.7, the Trial Chamber finds that Slobodan Župljanin was the 2nd Infantry Battalion Commander of the VRS 22nd Brigade.

903. The Trial Chamber will further consider the aforementioned incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

904. Concerning the evidence on the alleged killings of a number of other people, including non-Serbs, in the municipality between at least June and November 1992 the Trial Chamber did not receive any evidence about the perpetrators. In other cases, the Trial Chamber received hearsay evidence from Witness RM-009 about the perpetrators but the witness did not specify his sources or, in two cases, his source's basis of knowledge. Thus, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

#### *4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

##### *Unscheduled detention incidents – Grabovica School*

905. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in detention facilities in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.<sup>3722</sup> The Defence argued that the VRS did not take part in beatings in or around Grabovica School and that civilians engaged in violence against Muslims at the school.<sup>3723</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to events that took place at Grabovica School. It also received evidence from **Witness RM-089** and **Elvedin Pašić**, both Bosnian Muslims who were detained at Grabovica

<sup>3722</sup> Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

<sup>3723</sup> Defence Final Brief, para. 1133.

School;<sup>3724</sup> **Witness RM-802**, a VRS officer;<sup>3725</sup> **Witness RM-009**, a Bosnian Serb from Kotor Varoš;<sup>3726</sup> and **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;<sup>3727</sup> and finds that this evidence does not rebut the Adjudicated Facts.<sup>3728</sup> In this respect, the Trial Chamber will discuss Adjudicated Fact 803 and the evidence received from Witness RM-089 and Elvedin Pašić below. The Trial Chamber will review the evidence of a number of witnesses related to the capture and detention of a number of people at the school in this chapter, even though much of it is also of relevance to Scheduled Incident A.4.4 and the charges of deportation and forcible transfer in Kotor Varoš Municipality.

906. By early October 1992, a small pocket surrounding the predominantly Muslim village of Večići was the only area of Kotor Varoš Municipality not under the control of the VRS 1KK.<sup>3729</sup> According to **Vojislav Kršić**, this village was in the area of responsibility of the 22nd Infantry Brigade.<sup>3730</sup> **Witness RM-009** testified that Večići was the only village where Muslim resistance was well organized, and that it had been attacked many times by the 1st Light Brigade of Kotor Varoš, the military forces and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka.<sup>3731</sup> The local Muslim and Croat population had armed and defended Večići through the summer months in 1992, and the area had seen combat action including the ambushing and killing of Serb soldiers.<sup>3732</sup> By the autumn, however, the population of Večići had been surrounded by Serb forces and negotiations began for the surrender of the population.<sup>3733</sup> Due to the unwillingness of some of the

<sup>3724</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2; Elvedin Pašić, T. 538-540.

<sup>3725</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

<sup>3726</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).

<sup>3727</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992).

<sup>3728</sup> **Witness RM-089**: P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 7-8. **Elvedin Pašić**: Elvedin Pašić, T. 560, 562-567. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), para. 65; Witness RM-802, T. 4634. **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), paras 142, 152, 154-155; Witness RM-009, T. 8020-8022; P852 (Extract from the minutes of the 116th Meeting of the Kotor Varoš War Presidency, 4 November 1992), p. 1. **Vojislav Kršić**: Vojislav Kršić, T. 29285, 29287, 29303, 29347-29348. Parts of the evidence of Vojislav Kršić and Witness RM-089 is reviewed in chapter 4.7.1 *Schedule A.4.4*.

<sup>3729</sup> Adjudicated Facts I, no. 800.

<sup>3730</sup> Vojislav Kršić, T. 29285, 29303, 29347.

<sup>3731</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 142.

<sup>3732</sup> Adjudicated Facts I, no. 800.

<sup>3733</sup> Adjudicated Facts I, no. 801.



Muslim and Croat population to disarm, there were discussions within the Serb authorities on whether to let the people go before they were disarmed.<sup>3734</sup> During the night of 2 and 3 November 1992, armed men from Večići attempted to escape towards Travnik while the women and children decided to surrender.<sup>3735</sup> According to the minutes of the 115th meeting of the War Presidency on 3 November 1992, also attended by Slobodan Župljanin, Zdravko Pejić and Čedo Đukić, the soldiers and the population from Večići had abandoned the village.<sup>3736</sup> The Serb military was informed about this and, as the armed men from Večići fled, they were ambushed and captured by the VRS.<sup>3737</sup> Some were brought to Grabovica School.<sup>3738</sup>

907. **Witness RM-089** and **Elvedin Pašić** provided further details about the composition of the group who left the village and the subsequent capture of some of the villagers. Although the details might differ, the Trial Chamber considers that their accounts of the events are largely consistent. **Witness RM-089** stated that she left Večići on 3 November 1992 with her husband and the other able-bodied men from her village, as well as around 50 women and young boys, in a large column while most of the other women, children, and elderly left towards Vrbanjci.<sup>3739</sup> **Pašić** testified that he was in a group who was attempting to reach Travnik, when during their trek through the woods, they came under fire.<sup>3740</sup>

908. **Pašić** testified that when the firing stopped, he saw a group of 15 to 20 men, whom he believed to be Serbs, waving at them from the other side of the hill and heard them shout out '*[b]alijas, surrender. If you surrender, you'll live. And if you don't, you all are going to die*'.<sup>3741</sup> A member of their group, Fadil Zec, went to talk to the 15 to 20 men and came back informing the group that the Serbs agreed not to harm them and to transport them to Travnik in exchange for their surrender.<sup>3742</sup> The group decided to

<sup>3734</sup> Adjudicated Facts I, no. 801.

<sup>3735</sup> Adjudicated Facts I, no. 803.

<sup>3736</sup> P3743 (Extract from the Minutes of the 115th Meeting of the War Presidency of Kotor Varoš Municipality, 3 November 1992).

<sup>3737</sup> Adjudicated Facts I, no. 803.

<sup>3738</sup> Adjudicated Facts I, no. 803.

<sup>3739</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), p. 6. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), para. 65; P843 (Witness RM-009, witness statement, 23 January 2003), para. 155; Witness RM-009, T. 8021.

<sup>3740</sup> Elvedin Pašić, T. 560, 562-568.

<sup>3741</sup> Elvedin Pašić, T. 568-569.

<sup>3742</sup> Elvedin Pašić, T. 569-570.

surrender.<sup>3743</sup> Zec put a piece of his white shirt on a stick and the group walked towards Grabovica.<sup>3744</sup> Serb soldiers in camouflage uniforms disarmed the members of the group, stripped them of their valuables, and ordered them to lay on the ground face-down.<sup>3745</sup> The group, comprised of about ten women, ten girls and about five or six boys including the witness who was then aged 14, were ordered to get up and started walking towards Grabovica, escorted by soldiers wearing camouflage uniforms.<sup>3746</sup> According to **Witness RM-089**, this happened shortly after the commander, Marko Đekanović, arrived.<sup>3747</sup>

909. **Kršić** testified that, around 3 or 4 November 1992, soldiers of the Grabovac Company escorted around 150 Muslims, including women, men, and children, from a location called Duboka, in the village of Večići, to Grabovica.<sup>3748</sup> The witness initially testified that the group surrendered to their units before explaining that he did not know about the circumstances of the encounter between the group and the soldiers.<sup>3749</sup> At the Kotor Varoš command, Dušan Novaković, the Commander of the First Kotor Varoš Brigade, had ordered Kršić to head to Grabovica in order to assist with the reception of the Muslim column and to seize weapons in the possession of the Muslims.<sup>3750</sup> Once the column arrived in Grabovica, they were taken to the football field.<sup>3751</sup> Kršić, assisted by Boško Đurić, a platoon commander from the Grabovica Company, collected 35 to 40 weapons of different calibre.<sup>3752</sup> Novaković arrived 15 to 20 minutes after Kršić.<sup>3753</sup>

910. The armed men were held separately in Grabovica School and the women, the elderly, and the children were sent on buses provided by the crisis staff to join the rest of the population.<sup>3754</sup> The War Presidency decided to organise the departure of a convoy

<sup>3743</sup> Elvedin Pašić, T. 570. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), para. 65; Witness RM-802, T. 4634; P843 (Witness RM-009, witness statement, 23 January 2003), para. 155; Witness RM-009, T. 8021; P852 (Extract from the minutes of the 116th Meeting of the Kotor Varoš War Presidency, 4 November 1992), p. 1..

<sup>3744</sup> Elvedin Pašić, T. 570; P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.

<sup>3745</sup> Elvedin Pašić, T. 570-573. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.

<sup>3746</sup> Elvedin Pašić, T. 574-576.

<sup>3747</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.

<sup>3748</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 7; Vojislav Kršić, T. 29286, 29345-29348, 29375.

<sup>3749</sup> Vojislav Kršić, T. 29285, 29346-29347, 29351.

<sup>3750</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 7-8; Vojislav Kršić, T. 29344.

<sup>3751</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29286, 29346-29347.

<sup>3752</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29350-29351.

<sup>3753</sup> Vojislav Kršić, T. 29348.

<sup>3754</sup> Adjudicated Facts I, no. 804.

as soon as possible.<sup>3755</sup> It also decided that Pejić, Slobodan Župljanin, Balaban, and Lieutenant Colonel Novaković should be responsible for the captured soldiers.<sup>3756</sup> **Kršić** provided further details in this respect. He testified that Novaković ordered the separation of the women and children from the able-bodied men on the football field and, in particular, ordered the former to be accommodated in a classroom on the ground floor of the school and the latter, to be accommodated in classrooms on the upper floor.<sup>3757</sup> People were taken to the school in groups.<sup>3758</sup> Novaković also ordered Kršić to stay in Grabovica and to make a list of the people.<sup>3759</sup> There were 30 to 40 women and children held on the ground floor since they were kept in a classroom that could seat between 30 to 40 pupils.<sup>3760</sup> When writing down the list of men, all of whom were non-Serbs, in a separate room in the presence of two policemen, Kršić asked them for their first name, last name, date of birth, and origin or place of residence.<sup>3761</sup> He gave the list to Novaković the next morning.<sup>3762</sup> The detainees were kept at the school overnight and slept on the floor in the classrooms without mattresses.<sup>3763</sup>

911. According to **Witness RM-009**, the Grabovica Battalion of the Kotor Varoš Light Brigade was stationed at the school.<sup>3764</sup> **Kršić** testified that he organised security in the school by creating five guard posts, two inside the school and three outside the school.<sup>3765</sup> Slobodan Jošić, commander of the Military Police Platoon of the brigade, was in charge of security and commanded a team comprised of eight members of the Military Police Platoon and seven men from the Intervention Platoon and the Grabovica Company.<sup>3766</sup> Kršić gave a strict order to Jošić that no one was to be hurt, and threatened to shoot Jošić if there were any lapses in security.<sup>3767</sup> Local civilians, women in black clothes and a civilian named Milovan Tovilović, whose son had recently been

<sup>3755</sup> Adjudicated Facts I, no. 805.

<sup>3756</sup> Adjudicated Facts I, no. 805.

<sup>3757</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 8, 12; Vojislav Kršić, T. 29286-29287, 29348-29349. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.

<sup>3758</sup> Vojislav Kršić, T. 29287.

<sup>3759</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8.

<sup>3760</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29287-29288.

<sup>3761</sup> Vojislav Kršić, T. 29365-29366, 29288.

<sup>3762</sup> Vojislav Kršić, T. 29366.

<sup>3763</sup> Vojislav Kršić, T. 29300.

<sup>3764</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 157, 169; P844 (Chart of clarifications to Witness RM-009's witness statement), p. 1.

<sup>3765</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8.

<sup>3766</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 8-9.

<sup>3767</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 10.

killed, gathered and threatened the Muslims verbally.<sup>3768</sup> The locals left following Kršić's request and because it was already late at night.<sup>3769</sup>

912. Other witnesses gave evidence about the conditions at the school. **Pašić** testified that in Grabovica, they were ordered to line up in a courtyard across the school.<sup>3770</sup> A man, who according to the witness, appeared to be in charge, arrived and told the group that nothing would happen to them but that their men would pay for it.<sup>3771</sup> The women and children were then taken to a classroom on the lower floor of Grabovica School where they were placed under the supervision of two armed guards.<sup>3772</sup> The detainees were soaking wet from the rain, very cold, had to ask for permission to use the toilet, and could only use the toilet if they were escorted by guards.<sup>3773</sup> Later that evening, the witness saw from a classroom window, military trucks and a group of unarmed men walking slowly with their heads down and their hands tied behind their backs in front of military trucks.<sup>3774</sup> Pašić recognised them as the men that were separated from his group following their capture earlier that day.<sup>3775</sup> The men were taken to the second floor of the school and the soldiers asked Pašić's group, which included women and children, whether they wanted to see 'their men'.<sup>3776</sup> Out of fear, Pašić did not go to see his father but he recalled a woman named Hajrija Dugonjić who went upstairs to see her husband, Sead Rahmanović.<sup>3777</sup> Dugonjić returned to the group in tears and said that she found her husband 'all blue' and that he had confirmed that all the men were there.<sup>3778</sup>

913. **Kršić** testified that the next morning, Novaković arrived and told him that Neđo Đekanović, the President of Kotor Varoš Municipality, would come soon and bring buses to transfer the people to Travnik. During that morning, Kršić saw that the local civilians and the women in black clothes had gathered around the school in a larger group than the day before and that some of them were armed. Tovilović had an M-48 rifle.<sup>3779</sup> Kršić suggested that tea be made for the Muslims before the buses arrived, the tea was prepared, but the women in mourning attire grabbed the tea cans, spilt their

<sup>3768</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 11.

<sup>3769</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 11.

<sup>3770</sup> Elvedin Pašić, T. 576-577.

<sup>3771</sup> Elvedin Pašić, T. 577.

<sup>3772</sup> Elvedin Pašić, T. 577.

<sup>3773</sup> Elvedin Pašić, T. 577, 579.

<sup>3774</sup> Elvedin Pašić, T. 578, 637.

<sup>3775</sup> Elvedin Pašić, T. 578, 637.

<sup>3776</sup> Elvedin Pašić, T. 578, 637.

<sup>3777</sup> Elvedin Pašić, T. 578.

<sup>3778</sup> Elvedin Pašić, T. 578-579.

content, and uttered curses.<sup>3780</sup> Dekanović arrived with one bus and it was agreed that women and children would be transported first.<sup>3781</sup> Novaković ordered two rows to be made by the soldiers and officers present to allow the Muslim women and children to get to the bus.<sup>3782</sup>

914. The women in black clothes assaulted the soldiers who were present and the Muslim women, and started throwing stones at the Serb soldiers, one of which hit Novaković.<sup>3783</sup> Novaković ordered Kršić to return to the Brigade Command Post in Kotor Varoš and, before he left, Kršić asked Novaković to do everything to ensure the safety of the men in the school and to contact the 1KK Command regarding the assault on the detainees and soldiers.<sup>3784</sup> During this conversation, a courier arrived and informed Kršić and Novaković that the villagers took out one Muslim man from the column and beat him.<sup>3785</sup> The women in black clothes beat the Muslim man with their hands. Tovilović and another man in civilian clothing used rifle butts to beat him. While Kršić and Captain Stanić attempted to restrain Tovilović and the other man from wielding the rifle, someone from behind ran into the mob and killed the Muslim.<sup>3786</sup> The killing of the Muslim man was the only killing Kršić saw at the school in Grabovica.<sup>3787</sup> According to Kršić, the locals were reacting to the actions of the non-Serb forces in the territory of the municipality.<sup>3788</sup> After the event, Kršić went to the command of the Company, informed Novaković, and wrote a statement about what had happened in Grabovica.<sup>3789</sup>

915. Witness RM-089 and Elvedin Pašić provided evidence on the composition of the group of Muslims who fled Večići for Travnik during the night of 2 November 1992. In particular, both witnesses, who were also part of that group, specified that some women and children joined the group of armed men. In addition, they provided detailed accounts of the journey of the group until their capture and surrender to the Serbs.

<sup>3779</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 13.

<sup>3780</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 14.

<sup>3781</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 14.

<sup>3782</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 15.

<sup>3783</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 15.

<sup>3784</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 16.

<sup>3785</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 17.

<sup>3786</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 18.

<sup>3787</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 19.

<sup>3788</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014). The Trial Chamber notes that the evidence hereby referred to is contained in an unnumbered paragraph inserted between paragraphs 19 and 20.

Adjudicated Fact 803 states that around that date, able-bodied men escaped towards Travnik while women and children surrendered. The Trial Chamber considers that the evidence of Witness RM-089 and Elvedin Pašić introduces an additional level of precision concerning the exact composition of the group who fled the village, and that this does not amount to a rebuttal of Adjudicated Fact 803.

916. Based on the foregoing, the Trial Chamber finds that during the night of 2 November 1992, a group of Bosnian-Muslim men, some of whom were armed, as well as around 50 women and a number of children, attempted to escape Večići towards Travnik. The Serbs asked the group to surrender and some of them were disarmed. They threatened to kill the '*balijas*' if they did not comply. About 150 of the Muslims, mostly men as well as women and children, surrendered to the VRS and were brought to and held at Grabovica School overnight.

917. With regard to the conditions of detention, the detainees spent the night in a classroom and slept on the floor. The detainees were soaking wet from the rain and very cold, and had to ask for permission and were escorted when wanting to use the toilet. Local civilians gathered near the school and threatened the Muslims verbally but left at Kršić's request. The next morning, Kršić suggested tea be made for the detainees. A group of women dressed in black grabbed the tea, cursed at the detainees, and assaulted the soldiers and the Muslim women and children while they made their way to the buses, despite orders from Kršić to Jošić that the detainees were not to be hurt.

918. The Trial Chamber finds that the First Kotor Varoš Brigade, under the command of Dušan Novaković, was in charge of the people detained at the school. Novaković ordered the separation of the women and children from the able-bodied men at the school. The Military Police Platoon of the First Kotor Varoš Brigade, under the command of Slobodan Jošić, was in charge of the security at the school. His team was composed of members of the Military Police Platoon as well as members of the Intervention Platoon and the Grabovica Company.

919. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

<sup>3789</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 20; Vojislav Kršić, T. 29307, 29367.

*4.7.3 Destruction of private and public property, including cultural monuments and sacred sites*

920. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.8, in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.<sup>3790</sup> In particular, the Indictment sets out that the Hanifići mosque, the Vrbanjci mosque, the Hrvačani mosque, the old and new mosques in Večići, the Vranić mosque, the Ravne mosque, the Donji Varoš mosque, the Hadrovci mosque, and the Roman Catholic church in the town of Kotor Varoš were destroyed between June and December 1992.<sup>3791</sup> The Defence argued that the evidence establishes that the VRS did not take part in the destruction of religious buildings in the municipality.<sup>3792</sup> Scheduled Incident D.8 is limited to the destruction of the aforementioned sacred sites. The charge of destruction, however, is not limited to the Scheduled Incidents.<sup>3793</sup> Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.8. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvačani near the town of Kotor Varoš who was approximately 14 years old in 1992;<sup>3794</sup> and from **András Riedlmayer**, bibliographer and art documentation specialist;<sup>3795</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>3796</sup> The Trial Chamber further received evidence from **Vojin**

<sup>3790</sup> Indictment, paras 47, 52, 59(j), Schedule D.8.

<sup>3791</sup> Indictment, Schedule D.8.

<sup>3792</sup> Defence Final Brief, paras 1156-1160, 11621163.

<sup>3793</sup> Further on this issue, *see* Appendix B.

<sup>3794</sup> Elvedin Pašić, T. 538-540.

<sup>3795</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>3796</sup> **Elvedin Pašić**: Elvedin Pašić, T. 542-546, 551-554, 603, 605-606, 620. **András Riedlmayer**: P2503 (Expert report of András Riedlmayer, December 2012), paras 46-47, 50, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 183-185, 189-212; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 11-14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17922-17923. Evidence of Elvedin Pašić has also been reviewed in chapter 4.7.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.

**Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992,<sup>3797</sup> and **Witness RM-009**, a Bosnian Serb from Kotor Varoš.<sup>3798</sup>

921. Towns and villages in Kotor Varoš Municipality were shelled by Bosnian-Serb forces who then looted and set the houses on fire.<sup>3799</sup> Kotor Varoš Town and the village of Vrbanjci were attacked by the Bosnian-Serb army in June 1992.<sup>3800</sup> According to **Witness RM-009**, 80 per cent of the non-Serb houses in Kotor Varoš had been set on fire, sometimes at the command of the police, while not a single Serb house was set on fire.<sup>3801</sup> In the village of Dabovci, Bosnian-Serb forces frequently looted Bosnian-Muslim homes.<sup>3802</sup> Bosnian-Serb forces also destroyed the village of Večići by heavy artillery shelling and an air raid.<sup>3803</sup> In mid-1992 they attacked the villages of Hanifići, Plitska, and Kotor and set them on fire.<sup>3804</sup> During the attack, houses were either shelled or burned down.<sup>3805</sup> Furniture and other valuables inside the houses were looted by the Bosnian-Serb forces.<sup>3806</sup> In early June 1992, when **Elvedin Pašić** returned to Hrvaćani, he found that most of the houses had been destroyed.<sup>3807</sup>

922. A total of fourteen Muslim and Catholic monuments in Kotor Varoš Municipality were heavily damaged or completely destroyed in 1992, most of them in July and August, by fire, explosives, or shelling, or by a combination of the three.<sup>3808</sup> The monuments included mosques in Hanifići, Kotor Varoš Town, Hrvaćani, Ravni, Vranić, Donja Varoš, and Večići.<sup>3809</sup> According to **András Riedlmayer**, ‘Serb extremists’ destroyed the Donja Varoš mosque and Serb forces burned the Vranić mosque.<sup>3810</sup> The Hrvaćani mosque as well as the old and new mosques in Večići were

<sup>3797</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.

<sup>3798</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović). Evidence of Witness RM-009 has also been reviewed in chapter 4.7.2.

<sup>3799</sup> Adjudicated Facts I, no. 811.

<sup>3800</sup> Adjudicated Facts I, no. 812.

<sup>3801</sup> Witness RM-009, T. 7985-7986.

<sup>3802</sup> Adjudicated Facts I, no. 813.

<sup>3803</sup> Adjudicated Facts I, no. 814.

<sup>3804</sup> Adjudicated Facts I, no. 815.

<sup>3805</sup> Adjudicated Facts I, no. 816.

<sup>3806</sup> Adjudicated Facts I, no. 816.

<sup>3807</sup> Elvedin Pašić, T. 542, 551-552.

<sup>3808</sup> Adjudicated Facts I, no. 819.

<sup>3809</sup> Adjudicated Facts I, no. 819.

<sup>3810</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 205-207, 210-212; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), pp. 11, 13-14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).



all shelled by Serb forces.<sup>3811</sup> According to the Adjudicated Facts, the new mosque suffered minor shelling damage in August 1992.<sup>3812</sup> **Witness RM-009** specified that a tank, positioned in Vrbanjci, fired at least ten shells in the direction of Večići, targeting and hitting the closest mosque five times.<sup>3813</sup> According to **Riedlmayer**, in 1992, Serb forces also blew up the Shrine of the Three Brothers in Večići Town.<sup>3814</sup> During Bosnian-Serb forces' attacks on villages in the municipality in June and July 1992, the mosques in the villages of Vrbanjci and Hanifići were set on fire and mined.<sup>3815</sup> **Riedlmayer** testified that Serb forces burned the Hanifići mosque.<sup>3816</sup> In the summer of 1992, Serb forces shelled the Roman Catholic church of St Francis of Assisi in Vrbanjci.<sup>3817</sup> The church was damaged by projectile impacts, its roof was smashed in, the top of its steeple was destroyed, and its interior was damaged.<sup>3818</sup> **Riedlmayer** classified the church as heavily damaged.<sup>3819</sup> In Kotor Varoš Town, the Roman Catholic church was also set on fire in the summer months of 1992.<sup>3820</sup> According to **Riedlmayer**, Serb forces set it on fire.<sup>3821</sup> According to a regular combat report signed by Zdravko Đurić, sent by the 1KK Command to the VRS Main Staff on 6 September 1992, units of the 1st Krajina Corps opened mortar and tank fire on Muslim groups in villages of the Kotor Varoš area, such as Duratovac, Zagrađe, Ravno, and Sokoline.<sup>3822</sup>

923. **Vojin Ubiparip** testified that during his time as commander he was informed by Mujko Zuhrić, communication officer in the corps command, that the mosque in the

<sup>3811</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 195-204; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 12-13; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3812</sup> Adjudicated Facts I, no. 820.

<sup>3813</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 144-145.

<sup>3814</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 12; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3815</sup> Adjudicated Facts I, nos 817, 819.

<sup>3816</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 183-185; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 13; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3817</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 13; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>3818</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3819</sup> P2511 (Survey database for expert report of Andrés Riedlmayer).

<sup>3820</sup> Adjudicated Facts I, no. 818.

<sup>3821</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 191-194; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 11; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

village of Šiprage had been destroyed by the paramilitaries in July or August 1993.<sup>3823</sup> The civilian police investigated the destruction.<sup>3824</sup> At that time, the mosque in Šiprage was the only one in Kotor Varoš that had not been destroyed.<sup>3825</sup>

924. **Witness RM-009** testified that all of the mosques and Catholic churches in Kotor Varoš were destroyed in 1992 and 1993, except for the Catholic church in Vrbanjci.<sup>3826</sup> The witness had heard that Željko Kršić, the head of a special VRS unit called ‘Željko’s Brigade’, which used a blue truck, was one of those in charge of destroying religious facilities.<sup>3827</sup> Each time the witness saw Kršić and his unit in Kotor Varoš, a religious object would be destroyed that night.<sup>3828</sup>

925. The Trial Chamber received evidence from **András Riedlmayer** on the destruction of other religious buildings in Kotor Varoš Municipality, namely of the mosques in Hadvóci, the Čaršija mosque in Čepak, as well as Roman Catholic churches in Bilice, Sokoline, Jakotina, Zabrđe, and Plitska.<sup>3829</sup> With regard to that evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as ‘Serb forces’. The Trial Chamber notes that Riedlmayer obtained his evidence on the dates and perpetrators of destruction from Hamrit Bajrić, President of the Medžlis of the Islamic Community of Kotor Varoš, and from the Ordinariate of the Roman Catholic Diocese of Banja Luka. However, Riedlmayer’s report and its annexes, including the database, do not contain information on how Bajrić and the Ordinariate obtained the information on dates and perpetrators and whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on the above evidence concerning the time of destruction and perpetrators.

926. With regard to Witness RM-009’s evidence concerning the involvement of Željko Kršić’s brigade in the destruction of religious buildings in Kotor Varoš

<sup>3822</sup> P3821 (Regular Combat Report from IKK Command, 6 September 1992), pp. 1, 3.

<sup>3823</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 11; Vojin Ubiparip, T. 31195-31197, 31199.

<sup>3824</sup> Vojin Ubiparip, T. 31196.

<sup>3825</sup> Vojin Ubiparip, T. 31196.

<sup>3826</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 63.

<sup>3827</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 63; P844 (Chart of clarifications to Witness RM-009’s witness statement).

<sup>3828</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 63.

<sup>3829</sup> P2503 (Expert report of András Riedlmayer, December 2012), paras 51, 57-58; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 186-188; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 11; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

Municipality, the Trial Chamber finds that the mere fact that the witness testified that each time he saw Kršić, a building was destroyed is insufficient to establish the brigade's role in the destruction. With regard to the witness's evidence on the timeframe of the destruction, the Trial Chamber finds that the timeframe provided lacks precision and that the basis of his knowledge is unclear. Accordingly, the Trial Chamber considers that it cannot rely on Witness RM-009's evidence in this respect.

927. Based on the foregoing, the Trial Chamber finds that starting mid-1992, Bosnian-Serb forces, including the police and, for Večići, the 1st Light Brigade of Kotor Varoš, attacked, shelled, and set on fire many non-Serb houses in towns and villages in Kotor Varoš Municipality, such as Večići, Hrváčani, Hanifići, Plitska and the Kotor neighbourhood of Kotor Varoš Town. No Serb houses were set on fire.

928. The Trial Chamber further finds that during these attacks, Bosnian-Serb forces set fire to and mined the Hanifići mosque. Furthermore, in May or June 1992, Serb forces shelled the Hrváčani mosque. In 1992, the 1st Light Brigade of Kotor Varoš and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka, shelled the old and new mosques in Večići and blew up the Shrine of the Three Brothers in Večići. One of the Večići mosques was targeted and hit five times. In June 1992, the VRS attacked Kotor Varoš Town and Vrbanjci, set fire to Kotor Varoš Catholic church, shelled and heavily damaged the Vrbanjci Catholic church, and set fire to and mined the Vrbanjci mosque. The Trial Chamber further finds that in July or August 1993, paramilitaries destroyed the Šiprage mosque.

929. The Trial Chamber will consider these incidents further in relation to Count 3 of the Indictment in chapter 8, below.

930. Other Muslim and Catholic monuments in the municipality were heavily damaged or destroyed in 1992, mostly in July and August, by fire, explosives, shelling or a combination of the three. These include mosques in Ravni, Vranić, Donja Varoš, Hadrovći, the Čaršija mosque in Čepak, as well as Roman Catholic churches in Bilice, Sokoline, Jakotina, Zabrđe, and Plitska. The Trial Chamber will not rely on Riedlmayer's evidence with regard to the perpetrators of these incidents of destruction. Thus, in the absence of additional evidence on perpetrators, the Trial Chamber will not consider these incidents further in relation to any Counts in the Indictment.

#### 4.7.4 Appropriation or plunder of property

931. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.<sup>3830</sup> The Defence argued that while the appropriation of property and looting allegedly occurred, these acts were perpetrated by individuals acting on their own and that no reliable evidence proves that the Accused ordered the appropriation of property or looking or that he knew or had reasons to know that these acts had or were about to be committed.<sup>3831</sup> Further the Defence argued that the acts of appropriation of property and plunder were committed without regard to ethnicity and therefore cannot be found to be part of a plan to permanently remove any groups.<sup>3832</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this charge. It also received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš;<sup>3833</sup> **Witness RM-802**, a VRS officer;<sup>3834</sup> and **András Riedlmayer**, bibliographer and art documentation specialist.<sup>3835</sup> The Adjudicated Facts and the evidence of Witness RM-802, dealing with a specific incident in November 1992, is reviewed in chapters 4.7.1 *Schedule A.4.4* and 4.7.3.

932. **Witness RM-009** testified that members of the special unit from the CSB Banja Luka, which was led by VRS Captain Slobodan Dubočanin, stole televisions, videocassette recorders, and whatever gold they could find in the houses of non-Serbs in towns and villages of Kotor Varoš Municipality.<sup>3836</sup> During the month of June 1992, the municipality was effectively ruled by the red berets and the special unit.<sup>3837</sup> After this, the special unit left Kotor Varoš.<sup>3838</sup> Members of the Sanitation Unit would follow behind the special unit and whatever property they would find left behind would be

<sup>3830</sup> Indictment, paras 47, 59(i).

<sup>3831</sup> Defence Final Brief, para. 1154.

<sup>3832</sup> Defence Final Brief, para. 1154.

<sup>3833</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).

<sup>3834</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

<sup>3835</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>3836</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 56-57; Witness RM-009, T. 8005-8006, 8018.

<sup>3837</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 22, 30, 56; Witness RM-009, T. 8004-8006, 8009.

handed over to the ‘old people’s home,’ where some items were then taken by others.<sup>3839</sup> Despite discussions in the Kotor Varoš War Presidency about the issue of property being returned to people who were resettled, there was no property returned to anyone during the war because the ‘special forces’ had arrived first and looted everything.<sup>3840</sup> According to **András Riedlmayer**, during the war, the Roman Catholic church of St. Antony of Padua in Šibovi, still under construction when the war started, had parts of its building materials stripped and stolen.<sup>3841</sup>

933. Based on the above, the Trial Chamber finds that in June and July 1992, the special unit from CSB Banja Luka, which was led by VRS Captain Slobodan Dubočanin, took furniture, televisions, videocassette recorders, and gold from the houses of Bosnian Muslims and Bosnian Croats in towns and villages in Kotor Varoš Municipality.<sup>3842</sup> The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

934. The Trial Chamber also finds that on 3 November 1992, VRS members searched Bosnian-Muslim detainees in a field near Grabovica, confiscated their money and valuables. This incident has also been dealt with in chapter 4.7.1 *Schedule A.4.4*. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8, below.

935. Absent any evidence on who may have taken away parts of the building materials of the Roman Catholic Church of St Anton of Padua in Šibovi, the Trial Chamber will not further consider this incident in relation to Count 3 of the Indictment.

#### 4.7.5 *Forced labour and human shields*

936. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

<sup>3838</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 56.

<sup>3839</sup> Witness RM-009, T. 8006.

<sup>3840</sup> Witness RM-009, T. 7963-7964; P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), p. 2.

<sup>3841</sup> P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>3842</sup> The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Kotor Varoš Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Kotor Varoš Municipality refers to Bosnian Muslims and Bosnian Croats.

*4.7.6 Imposition and maintenance of restrictive and discriminatory measures*

937. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.<sup>3843</sup> Such measures included, but were not limited to, the denial of freedom of movement, the removal from positions of authority in local government institutions and the police, the general dismissal from employment, the invasion of privacy through arbitrary searches of homes, unlawful arrest and/or the denial of the right to judicial process, and the denial of equal access to public services.<sup>3844</sup> The Defence argued that non-Serbs continued to work for the municipality and that no plan existed to dismiss non-Serbs from their administrative duties.<sup>3845</sup> It further argued that Serb forces did not arrest non-Serbs.<sup>3846</sup> The Trial Chamber received evidence from **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality;<sup>3847</sup> **Witness RM-009**, a Bosnian Serb from Kotor Varoš;<sup>3848</sup> **Obrad Bubić**, Commander of the Serb TO platoon in Bregovi, Kotor Varoš, from 10 June 1992 and Commander of the Logistics Platoon in the First Kotor Varoš Brigade from late summer 1992 until the end of the war;<sup>3849</sup> **Witness RM-802**, a VRS officer;<sup>3850</sup> and **Vojin Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992,<sup>3851</sup> in relation to this charge.

938. **Witness RM-089** stated that around May 1992 all Muslims in Kotor Varoš Town were required to have special permits to travel to Banja Luka. The witness travelled daily from Kotor Varoš to Banja Luka by bus and recalled that there were around three or four checkpoints that the buses had to pass through over a distance of 32 kilometres. The special travel permits that Muslims needed were issued at the Kotor

<sup>3843</sup> Indictment, paras 47, 59(k).

<sup>3844</sup> Indictment, para. 59(k).

<sup>3845</sup> Defence Final Brief, para. 1112.

<sup>3846</sup> Defence Final Brief, para. 1112.

<sup>3847</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2.

<sup>3848</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).

<sup>3849</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.

<sup>3850</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet). Witness RM-802's evidence is reviewed in chapter 4.7.7.

<sup>3851</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.

Varoš MUP; however, only males could obtain such permits there. The witness saw one person being removed from a bus for having the wrong travel permit.<sup>3852</sup>

939. **Witness RM-009** testified that on 11 June 1992, Kotor Varoš was taken over by 200 members of the Special Police Unit of the CSB Banja Luka who wore camouflage uniforms and were commanded by Slobodan Dubočanin.<sup>3853</sup> **Bubić** testified that on that day, the Crisis Staff had called a meeting of the Municipal Assembly and, with the help of police forces from Banja Luka, placed the municipality under its control.<sup>3854</sup> According to him, Muslim and Croat municipal personnel were dismissed from their jobs due to their involvement in arming the Croat and Muslim population and the planning and organising of the liquidation of prominent Serbs.<sup>3855</sup> Also according to **Bubić**, the VRS neither took part in these events nor arrested non-Serbs.<sup>3856</sup> According to **Witness RM-009**, on the same day, all the telephone lines were cut off, and, in the course of the following week, only Serbs were given back their connections while non-Serbs remained cut off from the telephone network.<sup>3857</sup>

940. On 12 June 1992, the Kotor Varoš Crisis Staff issued an order to impose a curfew with immediate effect, banning movement in the municipality from 8 p.m. to 6 a.m.<sup>3858</sup> The SJB and units of the VRS were responsible for the implementation of the order.<sup>3859</sup> On 15 June 1992, the crisis staff adopted a decision permitting citizens freedom of movement in the town from 9 a.m. to 11 a.m.<sup>3860</sup>

941. **Witness RM-009** could not leave his apartment for approximately seven days following the take-over.<sup>3861</sup> According to the witness, non-Serbs were not allowed free movement within the municipality, were not allowed into shops, could not go to their mosque or church to pray, were fired from their jobs, and were not given access to

<sup>3852</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), p. 2.

<sup>3853</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 30, 71-72; P844 (Chart of clarifications to Witness RM-009 witness statement); Witness RM-009, T. 8004-8006.

<sup>3854</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), para. 5; Obrad Bubić, T. 26443-26444.

<sup>3855</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), para. 5.

<sup>3856</sup> D674 (Obrad Bubić, witness statement, 14 February 2014), paras 5-6; Obrad Bubić, T. 26443.

<sup>3857</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 35; Witness RM-009, T. 8001-8002.

<sup>3858</sup> P3713 (Kotor Varoš Crisis Staff Order imposing a curfew in the municipality, 12 June 1992), p. 2.

<sup>3859</sup> P3713 (Kotor Varoš Crisis Staff Order imposing a curfew in the municipality, 12 June 1992), p. 2.

<sup>3860</sup> P3702 (Kotor Varoš Crisis Staff Decision permitting citizens freedom of movement in the town, 15 June 1992), p. 2.

<sup>3861</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 36.

medical care in Kotor Varoš Town.<sup>3862</sup> According to the witness, the civilian authorities unofficially imposed restrictions on non-Serbs to create conditions in which they would decide to leave.<sup>3863</sup> **Vojin Ubiparip** testified that he organised a field hospital in Šiprage, where wounded soldiers, Serbs, as well as Muslims, were treated.<sup>3864</sup> Even pregnant women, Serbs, Muslims and Croats alike, were brought to the hospital to deliver their babies.<sup>3865</sup>

942. **Bubić** testified that the Logistics Platoon of the First Kotor Varoš Brigade was tasked with keeping people inside buildings in Kotor Varoš.<sup>3866</sup> The witness was told by his superior, the company commander, that people were kept in the buildings for their own safety because ‘extremists’ were firing from all sides.<sup>3867</sup> The witness also saw people being taken out of their houses by the civilian and military police but not by soldiers.<sup>3868</sup>

943. Based on the foregoing, the Trial Chamber finds that from 12 May 1992 onwards, local authorities in Kotor Varoš Municipality, including the Kotor Varoš MUP and the Kotor Varoš Crisis Staff, imposed restrictions on Bosnian Muslims’ and Bosnian Croats’ freedom of movement in Kotor Varoš Municipality, which were implemented by the VRS, and the local authorities imposed restrictions on access to medical care in Kotor Varoš Town.

944. The Trial Chamber will further consider the above incidents in relation to Count 3 in chapter 8, below.

945. The Trial Chamber also finds that from June 1992, the civilian authorities, including the Kotor Varoš Crisis Staff, dismissed Bosnian Muslims and Bosnian Croats from employment.<sup>3869</sup> The Trial Chamber finds that Bubić’s evidence that Muslim and Croat municipal personnel were dismissed for reasons related to security is vague and

<sup>3862</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 61; Witness RM-009, T. 8010-8013.

<sup>3863</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 61-62.

<sup>3864</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 13.

<sup>3865</sup> D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 13.

<sup>3866</sup> Obrad Bubić, T. 26457-26458.

<sup>3867</sup> Obrad Bubić, T. 26458.

<sup>3868</sup> Obrad Bubić, T. 26468.

<sup>3869</sup> The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Kotor Varoš Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Kotor Varoš Municipality refers to Bosnian Muslims and Bosnian Croats.



therefore does not find this aspect of his evidence to be reliable and will not consider it further in relation to any count of the Indictment.

946. The Trial Chamber further finds that on 11 June 1992, the telephone lines in Kotor Varoš Town were cut, and, in the course of the following week, only Serbs were given back their connections while non-Serbs remained cut off from the telephone network. Absent any details regarding perpetrators the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

#### *4.7.7 Forcible transfer and deportation*

947. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.<sup>3870</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention; harassment; torture; rape and other acts of sexual violence; killing; the destruction of houses, cultural monuments, and sacred sites; and the threat of further such acts - all aimed at Bosnian Muslims and Bosnian Croats. Others were physically driven out.<sup>3871</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It also received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš,<sup>3872</sup> and **Munevera Avdić**, a Bosnian Muslim resident of Kotor Varoš until the summer of 1992,<sup>3873</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>3874</sup> The Trial Chamber further received evidence from **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvaćani near the town of Kotor Varoš who was approximately 14 years old in 1992;<sup>3875</sup> **Witness RM-014**, a Bosnian Muslim from Kotor Varoš Municipality,<sup>3876</sup> **Witness RM-802**, a VRS officer,<sup>3877</sup> **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief

<sup>3870</sup> Indictment, paras 47, 59(f), 67-68, 70.

<sup>3871</sup> Indictment, para. 70.

<sup>3872</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović). Witness RM-009's evidence is also reviewed in chapter 4.7.2.

<sup>3873</sup> P3303 (Munevera Avdić, witness statement, 14 May 2013), p. 1, paras 1-2.

<sup>3874</sup> **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), para. 60. **Munevera Avdić**: P3303 (Munevera Avdić, witness statement, 14 May 2013), paras 2-3.

<sup>3875</sup> Elvedin Pašić, T. 538.

<sup>3876</sup> P2446 (Witness RM-014, witness statement, 25 May 1997), pp. 1-2.

<sup>3877</sup> P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;<sup>3878</sup> and **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality<sup>3879</sup> as well as documentary evidence.<sup>3880</sup>

948. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Kotor Varoš Municipality was 14,056 (38 per cent) Serbs, 11,090 (30 per cent) Muslims, 10,695 (29 per cent) Croats, 745 Yugoslavs, and 267 persons of other or unknown ethnicity.<sup>3881</sup> In the municipality, the take-over of power by the SDS was achieved in June 1992 through attacks by Bosnian-Serb armed forces on the town of Kotor Varoš and villages of Večići, Hrvaćani, Ravne, Hanifići, and other villages, all of which were inhabited by Muslims or Croats. During these attacks, a number of people were killed. Most inhabitants of these villages eventually fled to neighbouring areas.<sup>3882</sup> Specifically, on 11 and 12 June 1992, Serb soldiers in green camouflage uniforms attacked the town of Kotor Varoš, causing many Muslims and Croats to flee into the woods.<sup>3883</sup> After a week, the Muslims and Croats surrendered their weapons and returned to the town.<sup>3884</sup>

949. **Elvedin Pašić** provided further detailed evidence about the events in Hrvaćani and some other villages. He testified that sometime between May and June 1992 and, in particular, on the second day of the Muslim festival of Bajram, Hrvaćani was attacked by its 'neighbours'.<sup>3885</sup> Hrvaćani had approximately 100 houses and was exclusively inhabited by Muslims.<sup>3886</sup> To the north of Hrvaćani was the Serb village of Tepići, to the east the Serb village of Savići, and three kilometres to the west the Croat village of Plitska.<sup>3887</sup> Further south was the village of Dabovići, exclusively inhabited by Muslims, and at Novakovo Brdo were a few houses inhabited by Serbs.<sup>3888</sup> That night, Pašić and his family took refuge in a cellar, together with five other families, in order to

<sup>3878</sup> D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992). Vojislav Kršić evidence is also reviewed in chapter 4.7.2.

<sup>3879</sup> P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2. Witness RM-089's evidence has been reviewed in chapter 4.7.2.

<sup>3880</sup> P441 is reviewed in chapter 9.2.10.

<sup>3881</sup> Adjudicated Facts I, no. 796.

<sup>3882</sup> Adjudicated Facts I, no. 799.

<sup>3883</sup> Adjudicated Facts I, no. 822.

<sup>3884</sup> Adjudicated Facts I, no. 822.

<sup>3885</sup> Elvedin Pašić, T. 542-544.

<sup>3886</sup> Elvedin Pašić, T. 538.

<sup>3887</sup> Elvedin Pašić, T. 541.

<sup>3888</sup> Elvedin Pašić, T. 541.

escape the heavy shelling and bombing.<sup>3889</sup> During the attack, Pašić heard an announcement from the Serbs over a megaphone calling the ‘Balijas’, referring in particular to two well-known brothers Muho and Murat Dugonjić, and warning, that the Serbs were coming.<sup>3890</sup> Pašić’s father, who had left the house earlier that evening, returned the following morning and said that the village was attacked from the north, that the Serbs were shooting from the Novakovo Brdo bridge and from Tepići, and that all the inhabitants of Hrvaćani were fleeing to Plitska.<sup>3891</sup> Pašić’s family then left for Plitska.<sup>3892</sup> Five elderly people remained in Hrvaćani either because they were physically unable to leave or, in the case of Ibro Dugonjić, because he wanted to remain in his house.<sup>3893</sup> Shortly afterwards, Plitska was attacked by the Serbs and Pašić’s group fled to the Muslim village of Čirkino Brdo.<sup>3894</sup> Pašić’s group was given shelter by Hasan Cirkić until he was told by Serb soldiers that if he was hiding civilians from Hrvaćani they would all be killed.<sup>3895</sup> While Pašić was in Čirkino Brdo, he saw air-strikes on Večići.<sup>3896</sup>

950. **Witness RM-014** stated that on 13 June 1992, around 1 a.m. he saw the village of Hrvaćani in flames and heard explosions and small arms fire from that direction. He saw that the shelling came from three positions: Ravni Stol, Uzlonac and Novakova Brdo. By 7 a.m. all inhabitants had left Hrvaćani, except for a few elderly people who, according to persons who visited the village, were killed and burned in their homes.<sup>3897</sup>

951. In June or July 1992 in Kotor Varoš, Bosnian-Serb soldiers expelled Bosnian-Muslim men, women, and children from Lihovići to Čejavani, after which soldiers separated the women and children from the men.<sup>3898</sup> Bosnian-Muslim women and children from the villages of Šipure and Medare were brought by Bosnian-Serb soldiers to join the group of women and children already gathered in Čejavani.<sup>3899</sup> A truck then took the two groups to a sawmill in Kotor Varoš, where they were joined by a third group of Bosnian-Muslim women and children from the villages of Hanifići and Čirkino

<sup>3889</sup> Elvedin Pašić, T. 544, 547, 603.

<sup>3890</sup> Elvedin Pašić, T. 544, 603.

<sup>3891</sup> Elvedin Pašić, T. 545-547, 603.

<sup>3892</sup> Elvedin Pašić, T. 546-547, 604.

<sup>3893</sup> Elvedin Pašić, T. 547.

<sup>3894</sup> Elvedin Pašić, T. 547-548, 595-596, 605.

<sup>3895</sup> Elvedin Pašić, T. 548-549, 595.

<sup>3896</sup> Elvedin Pašić, T. 620.

<sup>3897</sup> P2446 (Witness RM-014, witness statement, 25 May 1997), p. 8.

<sup>3898</sup> Adjudicated Facts I, no. 821.

<sup>3899</sup> Adjudicated Facts I, no. 823.

Brdo.<sup>3900</sup> There were approximately 150 to 200 children gathered in the sawmill, and soldiers ordered those whose names had been called out to board one of three buses that left towards Travnik.<sup>3901</sup> Šipure, Medare, Hanifići, and Ćirkino Brdo are located in Kotor Varoš Municipality.<sup>3902</sup>

952. **Pašić** and others, after witnessing crimes at the Hanifići mosque, fled to the Croat village of Bilice where Pašić's group remained for approximately a month.<sup>3903</sup> After further shelling, some people from Hrvaćani left Bilice for Večiči.<sup>3904</sup> A group of approximately 50 to 70 mainly civilians, including Pašić, returned to Hrvaćani on route to Garići.<sup>3905</sup> On their way to Hrvaćani, they encountered two Serb soldiers, one of whom was wearing a camouflage uniform.<sup>3906</sup> The soldiers cursed them and told them that there was nothing left for them in Hrvaćani and that they should go to Turkey.<sup>3907</sup> When they arrived in Hrvaćani, the village was destroyed, houses had been stripped, animals killed, and the elderly who had remained were either shot or burnt.<sup>3908</sup> The group was then approached by a tractor-trailer coming from Tepiči carrying 15 to 20 armed Serb soldiers, including one man identified as 'Boro'.<sup>3909</sup> Approximately 15 of them wore masks, and the others wore olive-green camouflage JNA uniforms with the Serbian cross with the four S's.<sup>3910</sup> The soldiers asked the group where they were heading and told them they should go to Turkey.<sup>3911</sup> Six families remained in Hrvaćani and the rest, including Pašić, headed to Garići via the Serb village of Savići where civilians cursed and spat at them.<sup>3912</sup> Pašić's group remained in Garići for approximately one month.<sup>3913</sup> During this period, he visited Dabovići to see his sister who told him that the people of Dabovići had signed a truce and declared their loyalty to

<sup>3900</sup> Adjudicated Facts I, no. 824.

<sup>3901</sup> Adjudicated Facts I, no. 824.

<sup>3902</sup> P178 (Municipalities Court Binder), pp. 20-21. *See also* Elvedin Pašić, T. 605-606.

<sup>3903</sup> Elvedin Pašić, T. 548-550, 596, 606-607.

<sup>3904</sup> Elvedin Pašić, T. 607, 620.

<sup>3905</sup> Elvedin Pašić, T. 550, 607.

<sup>3906</sup> Elvedin Pašić, T. 550-551, 608-609.

<sup>3907</sup> Elvedin Pašić, T. 551, 609.

<sup>3908</sup> Elvedin Pašić, T. 553.

<sup>3909</sup> Elvedin Pašić, T. 554, 609.

<sup>3910</sup> Elvedin Pašić, T. 554, 609.

<sup>3911</sup> Elvedin Pašić, T. 554-555.

<sup>3912</sup> Elvedin Pašić, T. 555-556.

<sup>3913</sup> Elvedin Pašić, T. 556, 596.

the Serbs.<sup>3914</sup> However, despite the truce, their houses were set on fire and the people were taken away to Vrbanjci and Kozara.<sup>3915</sup>

953. Already on 29 June 1992, the Kotor Varoš Crisis Staff had decided to establish an agency to oversee the resettlement of persons; all buses in the municipality were to be made available for that purpose.<sup>3916</sup> The Crisis Staff decided that all those who wanted to move out of Kotor Varoš had to submit written requests to the basic court in Kotor Varoš and to fill in certain forms declaring their assets and stating that they were 'leaving them in custody' of the political and social community.<sup>3917</sup> The persons moving out of the municipality were to be informed that they were allowed to take with them only 300 DEM.<sup>3918</sup> Persons who wished to leave were to surrender their immovable property to the municipality and declare that they were leaving voluntarily.<sup>3919</sup> At a session on 26 July 1992, the Kotor Varoš War Presidency discussed a report on population resettlement, submitted by Ljuboje Gavrić.<sup>3920</sup> Based on the report, the War Presidency concluded that a detailed work plan of the Population Resettlement Service should be prepared the day after and appointed persons to be engaged in 'resolving the status of people being resettled and of their property, as well as that of abandoned property'.<sup>3921</sup> According to **Witness RM-009**, Muslim and Croat women and children were leaving in July 1992.<sup>3922</sup> Several convoys, comprising at least 50 buses, were organised by the War Presidency for Muslims and Croats to leave the municipality.<sup>3923</sup>

954. A number of convoys left for Travnik, including one that left Kotor Varoš Municipality on 25 August 1992 and another that left the town of Kotor Varoš at the end of October 1992.<sup>3924</sup> A convoy of civilians, mostly Bosnian-Muslim women and children, left the village of Grabovica in approximately mid to late October 1992.<sup>3925</sup> The convoy first travelled to Vrbanjci, and with 13 other buses transporting mostly Bosnian-Muslim women and children from Večići and surrounding villages, then left

<sup>3914</sup> Elvedin Pašić, T. 635.

<sup>3915</sup> Elvedin Pašić, T. 636.

<sup>3916</sup> Adjudicated Facts I, no. 827.

<sup>3917</sup> Adjudicated Facts I, no. 828.

<sup>3918</sup> Adjudicated Facts I, no. 829.

<sup>3919</sup> Adjudicated Facts I, no. 830.

<sup>3920</sup> P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), p. 1.

<sup>3921</sup> P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), pp. 1-2.

<sup>3922</sup> Witness RM-009, T. 7963.

<sup>3923</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 61; Witness RM-009, T. 7965, 7987; P849 (Minutes of the 60th session of the Kotor Varoš War Presidency, 22 August 1992).

<sup>3924</sup> Adjudicated Facts I, no. 825.

<sup>3925</sup> Adjudicated Facts I, no. 826.

Kotor Varoš Municipality for Travnik.<sup>3926</sup> Grabovica, Vrbanjci, and Večići are located in Kotor Varoš Municipality.<sup>3927</sup> **Pašić** provided further details with regard to the travel to Travnik, via Vrbanjci and Večići. He testified that on an unspecified date while they were still in Garići, two Serb soldiers in camouflage uniforms informed the people of Hrvaćani that they had to go to Vrbanjci to obtain travel documentation following which they were instructed to proceed to Večići.<sup>3928</sup> On 1 November 1992, Pašić's family, together with other civilians, went to Vrbanjci where they noticed that the new school had been converted into military barracks and was occupied by soldiers.<sup>3929</sup> Pašić's mother and Razija Dugonjić proceeded into the school to obtain travel documentation while the rest of the group remained outside where the soldiers cursed them and called them 'balijas'.<sup>3930</sup> The group left Vrbanjci and after walking for 20 to 30 minutes, arrived in Večići.<sup>3931</sup> In the morning of one of the following days, the women and children were advised that they would be transported to Travnik in two buses.<sup>3932</sup> In order to board the buses, parked approximately 200 metres away, they had to walk through an angry crowd whose members carried sticks and axes.<sup>3933</sup> They were told by the soldiers to walk slowly and that if they ran, they would be killed.<sup>3934</sup> Before reaching the bus, Pašić was grabbed by an old woman who put a knife to his neck, and threatened to kill him as retribution for the death of her two sons in Večići.<sup>3935</sup> A guard pushed the woman aside and allowed Pašić to board the bus.<sup>3936</sup> The crowd shook the bus, threw stones, and spat at it, until it departed.<sup>3937</sup> Pašić testified that in Vrbanjci his bus was joined by approximately 13 other buses carrying civilians from Večići.<sup>3938</sup>

955. Large parts of the non-Serb population moved out of Kotor Varoš Municipality in 1992 due to the circumstances in the municipality; some villages like Večići, Sokoline, Viševce, Ravan, and Bilice, were completely abandoned by their Muslim population.<sup>3939</sup> **Witness RM-009** testified that Muslims and Croats did not have the

<sup>3926</sup> Adjudicated Facts I, no. 826.

<sup>3927</sup> P178 (Municipalities Court Binder), pp. 20-21.

<sup>3928</sup> Elvedin Pašić, T. 556-557.

<sup>3929</sup> Elvedin Pašić, T. 557, 559, 560-561.

<sup>3930</sup> Elvedin Pašić, T. 557-558.

<sup>3931</sup> Elvedin Pašić, T. 560.

<sup>3932</sup> Elvedin Pašić, T. 579-580.

<sup>3933</sup> Elvedin Pašić, T. 580, 626.

<sup>3934</sup> Elvedin Pašić, T. 580.

<sup>3935</sup> Elvedin Pašić, T. 580-581.

<sup>3936</sup> Elvedin Pašić, T. 581.

<sup>3937</sup> Elvedin Pašić, T. 581.

<sup>3938</sup> Elvedin Pašić, T. 582, 631-632.

<sup>3939</sup> Adjudicated Facts I, no. 834.

right to free movement within the municipality, all were fired from their positions, they did not have access to any medical assistance, some of them were put under work obligation, they did not get any financial compensation for their work, they were not allowed into shops and could not go to mosque or the catholic church to pray.<sup>3940</sup> Muslims and Croats, once they had the opportunity, decided to leave the municipality because it was impossible to live there anymore and due to the fear of being killed and the crimes that were being perpetrated against them.<sup>3941</sup> **Munevera Avdić** stated that at the end of June 1992, almost all the Croats and Bosniaks left Kotor Varoš because it was impossible 'to survive' there.<sup>3942</sup> According to a 6 December 1992 report from the Kotor Varoš Light Brigade to the 1KK Commander, many Muslims had been submitting requests to return to their villages, a certain number of whom took part in combat on the side of the ABiH.<sup>3943</sup> According to **Witness RM-009**, such requests would have been submitted to and approved by the War Presidency, but these people never returned.<sup>3944</sup> By 1993, with the exception of Zabrđe there were almost no Muslims or Croats remaining in Kotor Varoš Municipality and none were able to return after the war for fear of being killed and because 80 percent of the houses had been set on fire and they had nothing to return to.<sup>3945</sup> Approximately 10.000 Croats remained in Zabrđe in Kotor Varoš Municipality after surrendering their weapons and their houses were not torched.<sup>3946</sup>

956. With regard to the events in Večići in November 1992, the Trial Chamber took judicial notice of Adjudicated Facts numbers 803-805, reviewed in chapter 4.7.2.

957. **Witness RM-802** testified that around 20 October 1992, General Talić, commander of the 1KK, ordered Janko Trivić to assume command of the 22nd Brigade from Colonel Peulić as well as command of the Vlašić Operational Group.<sup>3947</sup> This order included instructions to establish order and discipline over the operational group, as well as to disarm in a period of three days the Muslims in Večići, a small enclave and Bosniak village in Kotor Varoš where approximately 300 to 450 armed Muslim fighters

<sup>3940</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 61.

<sup>3941</sup> P843 (Witness RM-009, witness statement, 23 January 2003), paras 61-62; Witness RM-009, T. 7965-7966, 7987.

<sup>3942</sup> P3303 (Munevera Avdić, witness statement, 14 May 2013), paras 2-3.

<sup>3943</sup> P854 (Report from the Kotor Varoš Light Brigade dated 6 December 1992), p. 5.

<sup>3944</sup> Witness RM-009, T. 8030-8031.

<sup>3945</sup> P843 (Witness RM-009, witness statement, 23 January 2003), para. 182; Witness RM-009, T. 7966-7967, 7984-7985.

<sup>3946</sup> Witness RM-009, T. 7967.

<sup>3947</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 48, 57.

had gathered from nearby villages.<sup>3948</sup> Previous attempts to negotiate the disarming or to disarm the Muslims defending Večići had failed and it was reported that since at least July 1992, the Muslims had been conducting ambushes on the VRS, killing Colonel Stevilović and wounding Captain Župljanin, as well as attacking Serb villages and killing Serb civilians.<sup>3949</sup> On 30 October 1992, the commander of the Kotor Varoš Light Infantry Brigade, Colonel Novaković, ordered that his brigade as well as forces from the 2nd Battalion of the 22nd Brigade, and the Kneževo Light Brigade, were to be used in the operation against Večići.<sup>3950</sup>

958. On 2 November 1992, Novaković met in Kotor Varoš with officers from the VRS, MUP, and various municipal leaders, including the Commander of the 2nd Battalion of the 22nd Brigade, Janko Trivić; the Chief of the MUP in Kotor Varoš, Savo Tepić; a Captain of the 2nd Battalion of the 22nd Brigade, Slobodan Župljanin; the President of the Executive Committee for the municipality of Kotor Varoš, Momčilo Komljenović; General Talić's security officer Captain Nenad Balaban; Balaban's superior Colonel, Stevan Bogojević; the Corps Security Officer for the 1KK responsible for the zone, Captain Dubravko Prstojević; and Municipal President, Nedeljko Đekanović.<sup>3951</sup> During this meeting, Bogojević informed all present that he had received explicit orders from Mladić that no one was to be allowed to leave Večići until the unconditional surrender of weapons was completed.<sup>3952</sup> Later that day, Trivić told three members of the Muslim Večići Crisis Staff of the order to disarm their military units and said that if they did not hand over their weapons voluntarily, this could only be achieved by attacking Večići, in which case innocent people including women and children would be killed.<sup>3953</sup> The next day, 3 November 1992, the Muslim representatives reported that they would not hand over their weapons and that they had

<sup>3948</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 48; Witness RM-802, T. 4610, 4612, 4615, 4652-4653; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992), p. 1.

<sup>3949</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 53-54; Witness RM-802, T. 4610-4612, 4614-4615, 4620-4621; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992).

<sup>3950</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 57. *See also* P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, dated 30 October 1992), p. 1.

<sup>3951</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 58-59, 67; P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).

<sup>3952</sup> P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).

<sup>3953</sup> P439 (Witness RM-802, witness statement, 25 April 2012), paras 60, 64; Witness RM-802, T. 4627-4628; P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).



requested buses from municipality officials so that women, children, and elderly could be removed from Večići.<sup>3954</sup> They also stated that an attack was not necessary because those who were armed had already left in an attempt to break through to ABiH-controlled territory.<sup>3955</sup> According to **Witness RM-802**, the VRS and political authorities by this time had begun making preparations to take care of the civilian population by providing buses to transport the women, children, and elderly out of Večići.<sup>3956</sup> The civilian population of Večići was allowed to leave.<sup>3957</sup> Most of the civilian population of Večići wanted to go to Travnik.<sup>3958</sup> However, some of the civilians decided to stay.<sup>3959</sup>

959. According to **Witness RM-802**, of the 120,000 non-Serbs who walked past the VRS command post in Vitovlje, some were physically forced to leave, while others registered to leave because conditions were unbearable for them to stay.<sup>3960</sup> Some were forcibly removed from their houses, and others were pressured into leaving by hearing only Serb songs on the radio, having only Serb stamps on documents, and managers being dismissed and sent to do cleaning jobs.<sup>3961</sup>

960. Based on the foregoing, the Trial Chamber finds that between June and November 1992, large parts of the Muslim and Croat population, including women and children, moved out of Kotor Varoš Municipality in convoys by the forces attacking the municipality. Some were made to leave and others registered to leave because of the living conditions. These forces consisted of VRS units, police, and the special police unit of CSB Banja Luka. Several convoys were organized by the War Presidency in order for Muslims and Croats to leave the municipality. On 29 June 1992, the Kotor Varoš Crisis Staff decided to establish an agency to oversee the resettlement of persons and all the buses in the municipality were to be made available for that purpose. With regard to the conditions in the municipality, the Trial Chamber recalls its findings in chapters 4.7.1-4.7.4 and 4.7.6. A number of Muslims were cursed and called ‘balijas’ by Serb soldiers as they tried to obtain travel documents. A group of 50 to 70 Muslims on

<sup>3954</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 64; Witness RM-802, T. 4532.

<sup>3955</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 64.

<sup>3956</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 64; Witness RM-802, T. 4617-4618.

<sup>3957</sup> Witness RM-802, T. 4615-4622; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992), p. 1. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 6.

<sup>3958</sup> Witness RM-802, T. 4616, 4621, 4626.

<sup>3959</sup> Witness RM-802, T. 4618.

<sup>3960</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 32.

<sup>3961</sup> P439 (Witness RM-802, witness statement, 25 April 2012), para. 32.

their way to Hrvaćani were cursed by Serb soldiers and told that there was nothing left for them in Hrvaćani and that they should go to Turkey. The Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

## 4.8 Novi Grad Municipality

### 4.8.1 Murder

#### *Schedule B.10.1*

961. According to the Indictment, the Accused is responsible of the killing of a number of men taken from the cisterns near the Rajlovac barracks in Novi Grad Municipality between 1 and 14 June 1992.<sup>3962</sup> The Defence argued that the Accused cannot be held responsible for these killings as the acts were committed by paramilitaries and individuals acting on their own accord and not under the control or command of the VRS and the Accused.<sup>3963</sup> Furthermore, the Defence argued that there was never any order or plan for the VRS to detain civilians or combatants in the two cisterns near the Rajlovic army barracks, nor was the Accused ever informed of these detentions.<sup>3964</sup> The Trial Chamber will deal with one specific incident on or about 14 June 1992 separately, as Scheduled Incident B.10.2. The Trial Chamber took judicial notice of four Adjudicated Facts in relation to Scheduled Incident B.10.1. The Trial Chamber received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,<sup>3965</sup> as well as **Ewa Tabeau**, a demographer and statistician,<sup>3966</sup> and documentary evidence.

962. On 2 June 1992, after the attack on Ahatovići (*see* further on the attack in chapter 4.8.7), Muslims from the village were taken to the Rajlovac army barracks where other Muslims were already being detained.<sup>3967</sup> On the way to the barracks, the Serbs cursed Alija Izetbegović and ‘balija mothers’.<sup>3968</sup> **Elvir Jahić** confirmed that four or five days after the attack on 28 May 1992, a group of Muslim men who escaped the village ran into an ambush and were captured by Serb soldiers on their way to Visoko at Ranovača hill.<sup>3969</sup> Thirty men from the group, ten of whom were wounded, survived the ambush.<sup>3970</sup> The men were taken by bus to the Rajlovac barracks where they were

<sup>3962</sup> Indictment, paras 39(a)(ii), 47, 59(a)(ii), 62(b), Schedule B.10.1.

<sup>3963</sup> Defence Final Brief, para. 1364.

<sup>3964</sup> Defence Final Brief, para. 1371.

<sup>3965</sup> P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.

<sup>3966</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>3967</sup> Adjudicated Facts I, no. 1225.

<sup>3968</sup> Adjudicated Facts I, no. 1225.

<sup>3969</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 22-25.

<sup>3970</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 22.

forced into a big oil cistern that had a door.<sup>3971</sup> There were two oil cisterns and the witness stated there were a total of 80 to 90 detainees in the cistern where he was held, most of them being already there when he arrived, and that he and the group of men from Ahatovići stayed in this cistern until 14 June 1992.<sup>3972</sup>

963. At the detention centre, which was under the command of Mile Stojanović, detainees received no food and little water.<sup>3973</sup> Further, members of a special unit, under the command of Nikola Stanišić, severely beat the detainees and unleashed dogs on them.<sup>3974</sup> While **Jahić** was detained at the oil cisterns, a young man from Bratunac whose first name was Mustafa was taken away together with a group of four or five detainees from Bratunac and 12 detainees from Bioča on the 7th or 8th day of detention.<sup>3975</sup> Another detainee, Hajro Delić, was taken from the oil cistern and when he was brought back, heavily injured, he told his son Sead that he had been beaten up by a man referred to as 'Šok' and a man named Nikola Stanišić who was from the village of Dobroševići.<sup>3976</sup> The witness first saw 'Šok' on the bus to the Rajlovac barracks and he identified him as Žarko Krsman in 2002 when shown a photo spread at the Bosnia-Herzegovina Agency for Investigation and Documentation.<sup>3977</sup> Hajro Delić died the next day of his injuries. Another detainee, Enver Čelik, also died as a result of his maltreatment. According to the witness, 'Šok' and Nikola Stanišić killed him.<sup>3978</sup>

964. **Witness RM-145** provided further evidence about Hajro Delić. He testified that, on or about 4 June 1992, Hajro Delić from Dobroševići was detained in the fuel reservoir together with himself.<sup>3979</sup> The witness was detained in a reservoir along with about 85 to 90 Muslim detainees. Croats and about 130 Muslims were detained in another reservoir nearby.<sup>3980</sup> During his detention, the witness heard Jovan Tintor on the radio ordering Serb soldiers to detain the prisoners and, later, to 'move' them.<sup>3981</sup> On the fifth day of Delić's captivity, at about 10 a.m., the witness saw him being taken away

<sup>3971</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 25-31.

<sup>3972</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 31-33.

<sup>3973</sup> Adjudicated Facts I, nos 1226-1227.

<sup>3974</sup> Adjudicated Facts I, no. 1228.

<sup>3975</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 22, 24, 31, 36.

<sup>3976</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 36.

<sup>3977</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 28.

<sup>3978</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 36.

<sup>3979</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 31, 39-40; Witness RM-145, T. 3049; P256 (Photograph of fuel reservoirs).

<sup>3980</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 31.

<sup>3981</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 31, 41.

for questioning, and then brought back at 10 p.m. heavily beaten up.<sup>3982</sup> The witness heard Delić tell the other detainees that he had been abused by ‘Šok’, a guard who wore a blue uniform, similar to a police uniform, with a Yugoslav flag sewn on his shirt and cap, on orders from Nikola Stanišić.<sup>3983</sup> Then, the witness saw a woman arrive who said that she was a doctor. He saw her give Delić two injections, but he died five minutes later.<sup>3984</sup>

965. On 9 or 10 June 1992, a tall man nicknamed ‘Žuti’, the driver of Tintor, came in a red van with four armed men and took out ten people. The detainees were made to lie down in the van and were taken away. The following day, ‘Žuti’ came back and called out from a list another 15-16 men from Garnja Bioče whom he took away, allegedly to be exchanged. None of the detainees who were taken away were seen after that and the remains of some of them were found in Vlahovo cemetery in Blažuj in Ilidža Municipality.<sup>3985</sup> On 14 June 1992, the witness saw detainee Hamo Karić, whose injury was festering, taken away separately, allegedly to be exchanged. On the same day, the witness also saw Ramiz Peljito, a former JNA officer, taken out of the container by two of his former colleagues, never to be seen again.<sup>3986</sup>

966. **Elvir Jahić** provided further evidence about the removal of detainees from the centre. He testified that in early June 1992, a red van parked outside the oil cisterns and a Serb guard called out the names of 21 detainees: 12 persons from Bratunac and Srebrenica and nine persons from Ahatovići. These detainees were taken away and the witness later learned that they had been killed. Their bodies were exhumed in Vlakovo, Ilidža Municipality, and the witness attended their reburials.<sup>3987</sup> According to expert witness **Ewa Tabeau** and forensic evidence, the remains of seven bodies were exhumed from Vlakovo town Cemetery in Ilidža Municipality between 9 and 18 June 1997, and subsequently identified.<sup>3988</sup> One victim was 81 years old in 1992.<sup>3989</sup>

<sup>3982</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 40.

<sup>3983</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 23, 34, 40; Witness RM-145, T. 3080.

<sup>3984</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 40.

<sup>3985</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 41-44; Witness RM-145, T. 3050.

<sup>3986</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 49.

<sup>3987</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 38.

<sup>3988</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 10, 24-25, 33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 419-421; P6064 (Court report on exhumations, 9 March 1998), p. 3; P6065 (MUP official note on exhumations, 28 July 1997), pp. 6-7; P6066 (Death certificate for Edin Brajlović, 1 July 1997); P6067 (Death certificate for Zajko Brajlović, 1 July 1997); P6068 (Death certificate for Zijad Brajlović, 1 July 1997). The following persons were

967. Based on the above, the Trial Chamber finds that between 6 and 14 June 1992, at least 26 detainees from the cisterns<sup>3990</sup> were taken away by armed men, including a man called 'Žuti', and never returned. Six bodies were found and later exhumed from Vlakovo town Cemetery while others were found in Vlahovo Cemetery in Blažuj. The Trial Chamber has only received forensic evidence about the six bodies exhumed from Vlakovo Cemetery. With regard to these victims, the Trial Chamber finds that the evidence it has received as to the date of their death or disappearance is not sufficiently reliable for the Trial Chamber to conclude that any of the victims were killed in connection with their removal from the cisterns.<sup>3991</sup> With regard to the remaining victims, the Trial Chamber has not received any evidence as to when they died. Accordingly, the Trial Chamber will not further consider this incident in relation to Counts 3-6 of the Indictment.

968. The Trial Chamber finds that in early June 1992, Žarko Krsman, known as 'Šok', and Nikola Stanišić, the commander of a special unit, beat two men detained at the cisterns, Hajro Delić, an 81-year-old Muslim from Dobroševići, and Enver Čelik, a Muslim. Both detainees died as a result of their injuries. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

#### *Schedule B.10.2*

969. According to the Indictment, the Accused is responsible for the killing of at least 47 men taken from the cisterns near the Rajlovac barracks on or about 14 June 1992.<sup>3992</sup> The Trial Chamber took judicial notice of Adjudicated Fact 1229 in relation to this incident. It also received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,<sup>3993</sup> as well as **Ewa Tabeau**, a

identified at Vlakovo: Edin Brajlović (1963), Zajko Brajlović (1939), Zijad Brajlović (1962), Hajro Delić (1911), Džemal Efendić (1958), Rusmir Pasić (1969), and Kadrija Ramadani (1933).

<sup>3989</sup> P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 420.

<sup>3990</sup> The Trial Chamber notes that the witnesses use different terms to describe this place of detention, but it understands them to all refer to the same location.

<sup>3991</sup> In this respect, the Trial Chamber refers to its analysis in Appendix B of the evidence provided by Ewa Tabeau and documentary forensic evidence, with regard to, *inter alia*, dates of death.

<sup>3992</sup> Indictment, paras 39(a)(ii), 47, 59(a)(ii), 62(b), Schedule B.10.2.

<sup>3993</sup> P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.

demographer and statistician,<sup>3994</sup> and forensic documentary evidence, and finds that the evidence does not rebut the Adjudicated Facts.<sup>3995</sup>

970. On 14 June 1992, a Serb man called Žuti, and some other guards took about 52 detainees from the Rajlovac barracks, by bus to Sokolina, near Srednje, in Ilijaš municipality.<sup>3996</sup> **Elvir Jahić** specified that while he was detained at the oil cisterns, a Serb guard told all detainees from his cistern to get ready because they were going to be exchanged. The detainees were forced to run out of the cistern with their hands behind their head, passing through a gauntlet of Serb guards who beat them. The witness recognised Mile Stojanović, the camp commander, who was wearing blue air-force overalls and was armed.<sup>3997</sup> The witness also recognized ‘Šok’, who was wearing a blue two-part air force uniform and a green beret with the Yugoslav tricolour.<sup>3998</sup> **Witness RM-145** testified that armed ‘Serbian police special forces’ were present and ordered the detainees to board a bus.<sup>3999</sup> He also saw Žuti, the driver of Jovan Tintor, and

<sup>3994</sup> Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

<sup>3995</sup> **Elvir Jahić**: P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 43-45. **Witness RM-145**: P255 (Witness RM-145, witness statement, 14 February 2011), paras 50-53, 58-59; Witness RM-145, T. 3046, 3050-3051, 3053, 3062, 3065, 3080-3081; P257 (Video of a destroyed bus, 15 June 1992). **Ewa Tabeau**: P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 25, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4728 (Court record of exhumations in Ravne Village), pp. 2-4. **Documentary evidence**: P4727 (Death certificate for Edmir Mujkić), pp. 1-2; P4729 (Death certificate for Ahmilo Bečković), pp. 1-2; P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996) pp. 1-9; P6069 (Death certificates for Čazim Gačanović and Šućrija Bešić), pp. 1-2; P6070 (Death certificate for Edin Bešić), pp. 1-2; P6071 (Death certificate for Salem Bečić), pp. 1-2; P6072 (Death certificate for Alija Gačanović), pp. 1-2; P6073 (Death certificate for Mufid Gačanović), pp. 1-2; P6074 (Death certificate for Mujo Gačanović), pp. 1-2; P6075 (Death certificate for Mustafa Gačanović), pp. 1-2; P6076 (Death certificate for Nedžib Gačanović), pp. 1-2; P6077 (Death certificate for Samir Hrustanović), pp. 1-2; P6078 (Death certificate for Ejub Kalkan), pp. 1-2; P6079 (Death certificate for Midhat Muharemović), pp. 1-2; P6080 (Death certificate for Šaćir Mujkić), pp. 1-2; P6081 (Death certificate for Armin Mujkić), pp. 1-2; P6082 (Death certificate for Mirsad Mujkić), pp. 1-2; P6083 (Death certificate for Muhamed Mujkić), pp. 1-2; P6084 (Death certificate for Refik Mujkić), pp. 1-2; P6085 (Death certificate for Salem Mujkić), pp. 1-2; P6086 (Death certificate for Uzeir Mujkić), pp. 1-2; P6087 (Death certificate for Zijad Mujkić), pp. 1-2; P6088 (Death certificate for Ramiz Novalija), pp. 1-2; P6089 (Death certificate for Ismet Rizvanović), pp. 1-2; P6090 (Death certificate for Nedžad Rizvanović), pp. 1-2; P6091 (Death certificate for Sulejman Rizvanović), pp. 1-2; P6092 (Death certificate for Enes Suljić), pp. 1-2; P6093 (Death certificate for Enver Suljić), pp. 1-2; P6094 (Death certificate for Muhamed Suljić), pp. 1-2; P6095 (Death certificate for Suad Suljić), pp. 1-2; P6096 (Death certificate for Fikret Mujkić), pp. 1-2; P6097 (Death certificate for Salih Suljić), pp. 1-2.

<sup>3996</sup> Adjudicated Facts I, no. 1229.

<sup>3997</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43.

<sup>3998</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 28, 43.

<sup>3999</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 50-51; Witness RM-145, T. 3049-3051; P256 (Photograph of fuel reservoirs); P257 (Video of a destroyed bus, 15 June 1992).

another seven men in camouflage uniforms.<sup>4000</sup> **Elvir Jahić** stated that the detainees were put in a bus of the Sarajevo Gras Company and the witness saw four vehicles escorting them: a red Golf 2 with an SDS sticker in the right top corner, a blue Golf 2, an ivory-coloured Zastava 101, and a green all-terrain vehicle.<sup>4001</sup> When the witness looked at the driver in the red Golf, the driver signalled him that he should turn around and made a sign with his hand under his throat, which the witness understood to mean that the driver would kill him.<sup>4002</sup> The detainees were told they were going for an exchange in Kobilja Glava near Sarajevo.<sup>4003</sup> **Witness RM-145** noticed that two Serb guards were inside, while Žuti drove the bus.<sup>4004</sup> **Jahić** stated that at some point, the detainees were told to lie face down and would be killed if they raised their heads. The witness, who raised his head once, described two persons on the bus as armed members of the ‘Serb army-police forces’.<sup>4005</sup>

971. **Witness RM-145** heard the sounds of the escorting cars until Srednje, where the bus stopped. The witness then heard Žuti asking the people at the barricades how many kilometres remained to Sokolina and he was told that it was between six and eight kilometres.<sup>4006</sup> Žuti drove on and the witness could not hear the escorting cars any more.<sup>4007</sup> Some time after they had left Srednje, the bus was stopped under the pretext that the motor was boiling over and all the Serb guards as well as the driver left the bus.<sup>4008</sup> The guards and the driver then attacked it with grenades and automatic weapons.<sup>4009</sup> According to **Elvir Jahić**, also ‘zoljas’ were used.<sup>4010</sup> The shots continued for more than 15 minutes.<sup>4011</sup> One of the grenades detonated close to the witness, who felt a blow on his spine paralyzing his legs so that he could no longer walk.<sup>4012</sup>

<sup>4000</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 50.

<sup>4001</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43; P255 (Witness RM-145, witness statement, 14 February 2011), para. 51; Witness RM-145, T. 3051, 3066.

<sup>4002</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43.

<sup>4003</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44; P255 (Witness RM-145, witness statement, 14 February 2011), para. 50.

<sup>4004</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 51; Witness RM-145, T. 3046, 3051.

<sup>4005</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44.

<sup>4006</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 52; Witness RM-145, T. 3066.

<sup>4007</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 52; Witness RM-145, T. 3066, 3081.

<sup>4008</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44; P255 (Witness RM-145, witness statement, 14 February 2011), para. 53, Witness RM-145, T. 3065.

<sup>4009</sup> Adjudicated Facts I, no. 1229.

<sup>4010</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45.

<sup>4011</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45; P255 (Witness RM-145, witness statement, 14 February 2011), para. 53.

<sup>4012</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 45-46.



Eventually, the witness saw a military jeep passing the bus, heading in the direction of Pale. In the bus, the witness saw people who had been blown up as well as some people who had survived and one of them, Asim Gačanović, was holding his son who had died in his arms.<sup>4013</sup> Because the witness could not walk, he crawled out through a window and fell on the ground, which aggravated his wounds, and then dragged himself into a nearby stream. The witness, who was about three to four metres away from the bus, then saw the ivory-coloured Zastava 101 that had escorted the bus earlier that day, approaching from the direction of Pale. When the car reached the bus it stopped, the driver stepped out, entered the bus and started firing at the bodies and any survivors remaining in the bus with an automatic rifle. He then threw two hand grenades into the bus and left, after which he took his car in the direction of Srednje.<sup>4014</sup> The witness, who heard screaming coming from the bus, was able to crawl back inside but lost consciousness.<sup>4015</sup> The witness remained inside the bus from around 8 p.m. until dawn the next day, when he was found by people from the villages of Ravne and Vukasović who helped him receive medical aid.<sup>4016</sup> The witness then spent nine months in the hospital recovering from his injuries.<sup>4017</sup>

972. **Witness RM-145** was injured in his left arm but remained lying inside the bus.<sup>4018</sup> After the shooting ceased, the witness heard cars driving by, their doors opening and one man telling another to go and see if there were any survivors in the bus. The second man answered that the other could go and see for himself, if he was so interested.<sup>4019</sup> Then they left without entering the bus.<sup>4020</sup> Later, the witness noticed that his neighbours Asim Gačanović, Džemal Mujkić, and a person called Džemko had also survived. The four of them took two more seriously wounded persons, Nedžib Gačanović and Safet Rizvanović, and tried to carry them but they died due to injuries.<sup>4021</sup> The four of them walked all night through the woods and came to the village of Vukasovići which was under the control of the TO.<sup>4022</sup> The next morning, a person called Ibrahim, a photographer from Vogošća, made a video of the destroyed

<sup>4013</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45.

<sup>4014</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 46.

<sup>4015</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 47.

<sup>4016</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 47.

<sup>4017</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 48.

<sup>4018</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 53.

<sup>4019</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 54.

<sup>4020</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 54; Witness RM-145, T.3065.

<sup>4021</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 55.

bus.<sup>4023</sup> On the same morning, when the villagers, including Džafer Herić, went to the place of the incident to recover the bodies of the deceased, they encountered a Serb patrol led by Dragan Ikanović.<sup>4024</sup> Herić told the witness that Ikanović had said that he had not seen anything on the bus when the bus had passed them and that he did not know what had happened there.<sup>4025</sup> According to what Herić told the witness, Ikanović had also said that the main organisers of the incident were Boro Radić from Vogošća and Ratko Adžić from Ilijaš.<sup>4026</sup> The inhabitants of Vukasovići told the witness that also Elvir Jahić, Osman Novalija, and Zaim Rizvanović, a.k.a. Rizvan, from Ahatovići, as well as Muhamed Usto from Dobroševići had survived the attack.<sup>4027</sup> The inhabitants of the villages Vukasovići and Ravne informed the witness that they had found remainders of the ammunition from rocket launchers M-79, two hand-held rocket launchers, machine guns, automatic guns, and four bombs at the scene of the incident.<sup>4028</sup>

973. A total of 47 detainees were killed during this incident.<sup>4029</sup> According to Expert witness **Ewa Tabeau** and forensic evidence, the remains of 38 bodies were exhumed from a mass grave in Ravne Village in Sarajevo Ilijaš Municipality between 24 and 26 June 1996,<sup>4030</sup> and subsequently identified.<sup>4031</sup> According to forensic evidence, no information with regard to clothing was provided for 12 of the identified victims, while

<sup>4022</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 55; Witness RM-145, T. 3053-3054.

<sup>4023</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 55, 60; Witness RM-145, T. 3050-3061, 3064; P257 (Video of a destroyed bus, 15 June 1992).

<sup>4024</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 50, 55, 61; Witness RM-145, T. 3054.

<sup>4025</sup> Witness RM-145, T. 3054, 3086-3087.

<sup>4026</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 61; Witness RM-145, T. 3087.

<sup>4027</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 56.

<sup>4028</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 57.

<sup>4029</sup> Adjudicated Facts I, no. 1229.

<sup>4030</sup> P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 25, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4728 (Court record of exhumations in Ravne Village), pp. 2-4; P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996).

<sup>4031</sup> The following persons were identified at a mass grave in Ravne Village: Salem Bečić (1945), Ahmilo Bečković (1967), Fadil Bečković (1968), Edin Bešić (1971), Šućrija Bešić (1949), Amir Duraković (1960), Alija Gačanović (1949), Ćazim Gačanović (1955), Mufid Gačanović (1968), Mujo Gačanović (1929), Mustafa Gačanović (1959), Nedžib Gačanović (1952), Samir Hrustanović (1966), Ejub Kalkan (1935), Midhat Muharemović (1958), Emina Mujaković (1953), Armin Mujkić (1968), Edmir Mujkić (1973), Eldin Mujkić (1974), Fikret Mujkić (1956), Hemed Mujkić (1936), Mirsad Mujkić (1958), Muhamed Mujkić (1949), Nazif Mujkić (1966), Refik Mujkić (1952), Šaćir Mujkić (1963), Salem Mujkić (1952), Uzeir Mujkić (1935), Zijad Mujkić (1973), Ramiz Novalija (1946), Ismet Rizvanović (1958), Nedžad Rizvanović (1972), Sulejman Rizvanović (1945), Enes Suljić (1950), Enver Suljić (1952), Muhamed Suljić (1936), Salih Suljić (1934), and Suad Suljić (1972).

26 of the identified victims were found in civilian clothing.<sup>4032</sup> One victim was a woman and one victim was 63 years old in 1992.<sup>4033</sup>

974. The Trial Chamber has carefully considered Elvir Jahić's detailed evidence about the incident and considers that his account of the sequence of events is generally credible and reliable. Based on the foregoing, the Trial Chamber finds that on 14 June 1992, at least 52 detainees from the oil cisterns<sup>4034</sup> near the Rajlovac barracks were forced onto a bus, driven by a Serb named Žuti, who was Jovan Tintor's driver. There were two persons stationed on the bus as guards, and the Trial Chamber understands from Elvir Jahić's evidence, describing them as members of the 'Serb army-police forces', that they were members of VRS military police. The bus was escorted by four vehicles. Žuti stopped the bus near the village of Sokolina, near Srednje, and he and the two military policemen exited the bus. Immediately after, they attacked the bus with automatic weapons, hand grenades, and 'zoljas', and the detainees who tried to escape were shot and killed. After the shooting, some detainees were still alive. A few minutes later, one of the vehicles that had escorted the bus, approached. The driver stepped out, entered the bus, and started firing at the bodies and survivors with an automatic rifle. He threw two hand grenades and left. In all, at least 47 of the detainees were killed, 38 of whom were found in a mass grave. Of them, 26 were found in civilian clothes. Based on the evidence of Witness RM-145, reviewed in chapter 4.8.1 *Schedule B.10.1*, the Trial Chamber finds that all 52 detainees were Bosnian Muslims. Based on the foregoing, the

<sup>4032</sup> P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996), pp. 1-9.

<sup>4033</sup> P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4727 (Death certificate for Edmir Mujkić), p. 1; P4729 (Death certificate for Ahmilo Bečković), p. 1; P6069 (Death certificates for Ćazim Gačanović and Šućrija Bešić), p. 1; P6070 (Death certificate for Edin Bešić), p. 1; P6071 (Death certificate for Salem Bečić), p. 1; P6072 (Death certificate for Alija Gačanović), p. 1; P6073 (Death certificate for Mufid Gačanović), p. 1; P6074 (Death certificate for Mujo Gačanović), p. 1; P6075 (Death certificate for Mustafa Gačanović), p. 1; P6076 (Death certificate for Nedžib Gačanović), p. 1; P6077 (Death certificate for Samir Hrustanović), p. 1; P6078 (Death certificate for Ejub Kalkan), p. 1; P6079 (Death certificate for Midhat Muharemović), p. 1; P6080 (Death certificate for Šaćir Mujkić), p. 1; P6081 (Death certificate for Armin Mujkić), p. 1; P6082 (Death certificate for Mirsad Mujkić), p. 1; P6083 (Death certificate for Muhamed Mujkić), p. 1; P6084 (Death certificate for Refik Mujkić), p. 1; P6085 (Death certificate for Salem Mujkić), p. 1; P6086 (Death certificate for Uzeir Mujkić), p. 1; P6087 (Death certificate for Zijad Mujkić); P6088 (Death certificate for Ramiz Novalija), p. 1; P6089 (Death certificate for Ismet Rizvanović), p. 1; P6090 (Death certificate for Nedžad Rizvanović), p. 1; P6091 (Death certificate for Sulejman Rizvanović), p. 1; P6092 (Death certificate for Enes Suljić), p. 1; P6093 (Death certificate for Enver Suljić), p. 1; P6094 (Death certificate for Muhamed Suljić), p. 1; P6095 (Death certificate for Suad Suljić), p. 1; P6096 (Death certificate for Fikret Mujkić), p. 1; P6097 (Death certificate for Salih Suljić), p. 1.

<sup>4034</sup> The Trial Chamber notes that the witnesses use different terms to describe this place of detention, but it understands them to all refer to the same location.

Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

#### *4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

975. Scheduled incident C.12.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73bis (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence on any other charge set out in paragraph 59 (b), (c), (d), and (g), with respect to Novi Grad Municipality. The Trial Chamber therefore finds that these charges have not been proven.

#### *4.8.3 Destruction of private and public property, including cultural monuments and sacred sites*

976. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.9, in Novi Grad Municipality between 12 May 1992 and 30 November 1995.<sup>4035</sup> In particular, the Indictment sets out that the Ahatovići mosque was destroyed on or about 4 June 1992.<sup>4036</sup> The Defence argued that the evidence does not identify the perpetrators of the destruction of the Ahatovići mosque.<sup>4037</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the destruction in Novi Grad Municipality. It also received evidence from **Witness RM-145** and **Elvir Jahić**, Bosnian Muslims from Ahatovići in Novi Grad,<sup>4038</sup> and **András Riedlmayer**, bibliographer and art documentation specialist,<sup>4039</sup> and finds that the received evidence is consistent with the Adjudicated Facts.<sup>4040</sup> Some of this evidence has been reviewed in chapter 4.8.7. The

<sup>4035</sup> Indictment, paras 47, 52, 59(j), Schedule D.9.

<sup>4036</sup> Indictment, Schedule D.9.

<sup>4037</sup> Defence Final Brief, para. 1379.

<sup>4038</sup> P255 (Witness RM-145, amalgamated witness statement, 14 February 2011), p. 1, para. 4; Witness RM-145, T. 3047; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.

<sup>4039</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

<sup>4040</sup> **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 213-216; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17924. **Witness RM-145**: P255 (Witness RM-145, amalgamated witness statement, 14 February 2011), paras 4, 23, 63. **Elvir Jahić**: P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 17-18.

Trial Chamber also received evidence from **Stojan Džino**, a member of the Rajlovac brigade as of May 1992 and the Assistant Commander of the 4th Battalion of the 3rd Sarajevo Brigade from early 1994.<sup>4041</sup>

977. Almost all 130 houses in Ahatovići were damaged or destroyed during the attack on the village in May 1992.<sup>4042</sup> **Witness RM-145** specified that ‘Serb forces’ burned down houses of Muslims during the attack.<sup>4043</sup> According to a CSB report, Ahatovići was liberated around 3 June 1992 and placed under the control of the ‘Serb army’, which destroyed the buildings and houses from where fire had come from.<sup>4044</sup> A few days after the attack, the village mosque was blown up.<sup>4045</sup> **Stojan Džino** testified that TO units blew up the Ahatovići mosque on 4 June 1992 when they entered the village of Ahatovići.<sup>4046</sup> The witness was stationed at least 500 metres away but saw the explosion.<sup>4047</sup> According to the witness, this happened during combat in the village.<sup>4048</sup> According to **András Riedlmayer**, ‘Bosnian Serb troops’ or ‘Serb troops’ burned and blew up the Ahatovići mosque.<sup>4049</sup> Riedlmayer classified buildings adjacent to the mosque as ‘heavily damaged’.<sup>4050</sup>

978. The Sokolje mosque, located in the village of Rajlovac, was destroyed by shelling in the spring of 1992.<sup>4051</sup> Photographs taken after the war reveal that the mosque’s minaret was destroyed by a blast, the roof was gone, the interior gutted, and the perimeter walls standing.<sup>4052</sup> ‘Serb troops’ who identified themselves as members of the ‘Independent Chetnik Formation’ occupied the Theological Seminary in Nedžarići on 8 June 1992. The Franciscan Monastery and Theological Seminary were damaged by

<sup>4041</sup> D643 (Stojan Džino, witness statement, 4 November 2012), paras 3-4; Stojan Džino, T. 25700.

<sup>4042</sup> Adjudicated Facts I, no. 1230.

<sup>4043</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 23.

<sup>4044</sup> P3793 (Daily report from the Romanija-Birčani CSB, 3 June 1992).

<sup>4045</sup> Adjudicated Facts I, no. 1231.

<sup>4046</sup> Stojan Džino, T. 25708-25710, 25713.

<sup>4047</sup> Stojan Džino, T. 25710.

<sup>4048</sup> Stojan Džino, T. 25710.

<sup>4049</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 213-217; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013); András Riedlmayer, T. 17924.

<sup>4050</sup> P2510 (Formatted entries to expert report of András Riedlmayer), p. 213; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>4051</sup> P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer’s expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

projectile impact, and their interiors were vandalized and partially burned.<sup>4053</sup> Riedlmayer classified the adjacent buildings as ‘lightly damaged’.<sup>4054</sup> The monastery and seminary’s contents, including old and valuable books and manuscripts, archives, and religious works of art, as well as building fixtures were destroyed after the occupation of the buildings by Serb troops.<sup>4055</sup>

979. Based on the foregoing, the Trial Chamber finds that almost all houses belonging to Muslims in the village of Ahatovići were damaged or destroyed during the attack on the village on or about 27 May 1992. The Trial Chamber recalls its finding in chapter 4.8.7 that the forces attacking the village consisted of the White Eagles and others in JNA uniforms. The Trial Chamber finds that these forces damaged or destroyed the houses. Under these circumstances, the Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

980. The Trial Chamber further finds that on 4 June 1992, TO units burned and blew up the Ahatovići mosque. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

981. The Trial Chamber finds that on 8 June 1992, ‘Serb troops’ who identified themselves as members of the ‘Independent Chetnik Formation’, occupied the Franciscan Monastery and Theological Seminary in Nedžarići and later damaged and partially burned these buildings. With regard to perpetrators, the Trial Chamber has relied on Riedlmayer’s hearsay evidence from a person who was present when these troops took over the buildings. Under these circumstances, the Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

982. The Trial Chamber also finds that the Sokolje mosque, located in the village of Rajlovac, was destroyed by shelling. The Trial Chamber will not rely on Andrés

<sup>4052</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

<sup>4053</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 14; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

<sup>4054</sup> P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

<sup>4055</sup> P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 64; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 14; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

Riedlmayer's hearsay evidence on the date of destruction of the mosque as his sources do not provide information about their bases of knowledge. The Trial Chamber further notes that it has not received any evidence about the perpetrator(s). Consequently, the Trial Chamber is unable to identify the perpetrators of the destruction and will not further consider this incident in relation to Count 3 of the Indictment.

#### *4.8.4 Appropriation or plunder of property*

983. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.8.5 Forced labour and human shields*

984. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.8.6 Imposition and maintenance of restrictive and discriminatory measures*

985. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.8.7 Forcible transfer and deportation*

986. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Novi Grad Municipality between 12 May 1992 and 30 November 1995.<sup>4056</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.<sup>4057</sup> The Defence argued that the charge fails because there was no policy that was ever designed or enacted to forcibly transfer the

<sup>4056</sup> Indictment, paras 47, 59(f), 67-69.

<sup>4057</sup> Indictment, para. 70.

Bosnian-Muslim civilians.<sup>4058</sup> It further argued that Bosnian-Muslim civilians were allowed to leave the municipality after being interviewed and were offered UNPROFOR assistance.<sup>4059</sup> Finally, it argued that many Bosnian-Muslims and Croats decided to leave because the area was unsettled.<sup>4060</sup> The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,<sup>4061</sup> and finds that this evidence is consistent with the Adjudicated Facts.<sup>4062</sup>

987. On or about 22 February 1992, a Serb municipality was established in Rajlovac, comprised of mixed population villages including the predominantly Muslim village of Ahatovići.<sup>4063</sup> **Elvir Jahić** stated that in 1992 there were about 120 families living in the village.<sup>4064</sup> Three of the settlements surrounding Ahatovići had JNA barracks: one was in Bojnik and was called 'Butile', another one was in Rajlovac, and one was in Ilijaš.<sup>4065</sup> **Witness RM-145** testified that 'Orao', the aircraft academy of the former JNA in Rajlovac, and the uniforms and weapons stored there, were handed over to a Serb paramilitary unit.<sup>4066</sup> The paramilitary unit consisted of Serb inhabitants from the surrounding villages, who were members of the SDS party.<sup>4067</sup> The members of the paramilitary unit were dressed in the uniforms of former JNA with insignia bearing the four 'S's in Cyrillic.<sup>4068</sup> Some of them also wore caps with insignia bearing the eagle and four 'S's known as 'kokarda'.<sup>4069</sup> Some wore hats with cockades and ribbons around their arms and others wore red berets.<sup>4070</sup> In February or March 1992, **Jahić** saw lines of vehicles leaving the JNA barracks and the witness's Serb neighbours started

<sup>4058</sup> Defence Final Brief, para. 1352.

<sup>4059</sup> Defence Final Brief, para. 1361.

<sup>4060</sup> Defence Final Brief, para. 1362.

<sup>4061</sup> P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.

<sup>4062</sup> **Elvir Jahić**: P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 5, 8, 12-14, 17-19. **Witness RM-145**: P255 (Witness RM-145, witness statement, 14 February 2011), paras 4, 6, 11-12, 15-16, 19; Witness RM-145, T. 3071-3072.

<sup>4063</sup> Adjudicated Facts I, no. 1219.

<sup>4064</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 5.

<sup>4065</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 6.

<sup>4066</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 4; Witness RM-145, T. 3068-3069.

<sup>4067</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 4; Witness RM-145, T. 3068-3069.

<sup>4068</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 4.

<sup>4069</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 4.

<sup>4070</sup> Witness RM-145, T. 3069.



joining the reserves.<sup>4071</sup> In March 1992, he heard Hasan Mujkić, the representative of the village of Ahatovići who attended negotiations between the SDA and the SDS, inform the villagers that the Serbs said they would attack unless the Muslims vacated Ahatovići.<sup>4072</sup>

988. In April 1992, Serbs set up barricades in the municipality.<sup>4073</sup> One barricade was set up at the bridge across the Bosna River in the Reljevo settlement where only Serbs could pass through.<sup>4074</sup> According to **Jahić**, the barricades were set up by Serbs in his neighbourhood and reserve soldiers, in green JNA uniforms or blue Air Defence Institute uniforms of the Rajlovac barracks.<sup>4075</sup> Non-Serbs who did not sign loyalty oaths recognizing the Serb republic were not allowed to cross.<sup>4076</sup> At the barricade checkpoints, **Witness RM-145** saw Serbs stopping and searching buses, as well as checking identity cards against a list of names.<sup>4077</sup> On one occasion Ranko Torbica and Nikola Stanišić came to the barricades where they threatened the Muslims and mentioned that ‘Šešeljevci’, ‘Arkanovci’, and ‘Beli Orlovi’ (White Eagles), had come to the area to assist the local Serbs in taking over Ahatovići.<sup>4078</sup> By May 1992, the witness noticed that the Serb families living in the surrounding villages of Dobroševići, Bojnik, Mihaljevići, and Brod had left their houses to live closer to the army barracks in Rajlovac and Bojnik.<sup>4079</sup> On 24 or 25 May 1992, women, children, and the elderly attempted to leave Ahatovići for the nearby municipality of Visoko, but were prevented from doing so by Serb soldiers who fired at them.<sup>4080</sup>

989. On or about 27 May 1992, Serb tanks and armoured vehicles took up positions in the hills around Ahatovići.<sup>4081</sup> **Witness RM-145** observed that the Serbs were dressed in former JNA uniforms and camouflage uniforms.<sup>4082</sup> Using megaphones, the Serbs urged the villagers to surrender. They threatened: ‘Baliijas, surrender, or we [will] kill your

<sup>4071</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 8.

<sup>4072</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 5.

<sup>4073</sup> Adjudicated Facts I, no. 1220.

<sup>4074</sup> Adjudicated Facts I, no. 1220.

<sup>4075</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 13.

<sup>4076</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 13.

<sup>4077</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 7.

<sup>4078</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 6, 9.

<sup>4079</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 8; Witness RM-145, T. 3069-3070.

<sup>4080</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 12.

<sup>4081</sup> Adjudicated Facts I, no. 1222.

<sup>4082</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 15.

children.<sup>4083</sup> When they refused, Serb infantry launched an attack but they were repelled by the Muslims, who only had 50 small arms.<sup>4084</sup> The Serb forces proceeded to shell the village from the hills, then Serb former JNA soldiers and White Eagles entered the village with APCs and tanks.<sup>4085</sup> **Jahić** and a group of 120-150 Muslim soldiers tried to defend the village for about four or five days against some 1,200-2,000 Serb soldiers before the village was captured.<sup>4086</sup> The Serb forces also cut off the village's water supply and electricity.<sup>4087</sup> According to **Witness RM-145**, the shelling came from the directions of the barracks and Railway Depot of Rajlovac, Butile, Pladište, Rakovica, the mountain Paljevo, and Lukavica.<sup>4088</sup> In May 1992 following the attack on Ahatovići, all the surviving Muslims in the village were either arrested or expelled, together with some Serbs and Croats who were married to Muslims.<sup>4089</sup> **Jahić** stated that on 29 May 1992 he and about 50 Muslim men escaped Ahatovići, whereas at least 150 women, children, elderly and weak who hid in a shelter in Ahatovići, including the witness's father, his sister-in-law, and her child, were captured.<sup>4090</sup> **Witness RM-145** testified that about 30 men, including him, attempted to escape but were detained by the Serb forces.<sup>4091</sup> The attack on the village was led by Jovan Tintor and the witness recognized him as well as Dragan Koprivica, Stevo Petričević, Braco Mirković, Davor Arnautović, and Pero Koprivica among the attackers.<sup>4092</sup> In addition, the witness also saw other persons who wore uniforms of the former JNA and white bands around their heads and left arms, identified by the witness as Beli Orlovi, also known as White Eagles.<sup>4093</sup>

990. Based on the foregoing, the Trial Chamber finds that on or about 27 May 1992, tanks took up positions in the hills around the predominately Muslim village of Ahatovići in Novi Grad Municipality. Using megaphones, the villagers were threatened: 'Balijas, surrender, or we kill your children'. When the villagers did not surrender, forces attacked and entered the village. The forces consisted of the White Eagles and others in JNA uniforms. Following the attacks on Ahatovići and Dobroševići, all the

<sup>4083</sup> Adjudicated Facts I, no. 1222.

<sup>4084</sup> Adjudicated Facts I, no. 1223.

<sup>4085</sup> Adjudicated Facts I, no. 1224.

<sup>4086</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 18-19.

<sup>4087</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 18.

<sup>4088</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 17.

<sup>4089</sup> Adjudicated Facts I, no. 1232.

<sup>4090</sup> P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 18-20.

<sup>4091</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 19-21.

<sup>4092</sup> P255 (Witness RM-145, witness statement, 14 February 2011), paras 16, 23; Witness RM-145, T. 3072-3073.

<sup>4093</sup> P255 (Witness RM-145, witness statement, 14 February 2011), para. 23.

surviving Muslims in Ahatovići were either arrested or expelled together with some Serbs and Croats who were married to Muslims. The Trial Chamber finds that the forces which attacked the village also expelled the Muslims as well as the Serbs and Croats married to Muslims. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8, below.

## 4.9 Pale Municipality

### *4.9.1 Murder*

991. Scheduled Incident B.12.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73bis (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence with regard to any other murder incident in Pale Municipality. The Trial Chamber therefore finds that the murder charge in relation to this municipality has not been proven.

### *4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities*

992. Scheduled Incidents C.14.1 and C.14.2 are not part of the Indictment, as a result of the decision pursuant to Rule 73bis (D) of 2 December 2011. The Prosecution has not presented evidence with regard to any detention centres in Pale Municipality. The Trial Chamber therefore finds that the charges in relation to detention in this municipality have not been proven.

### *4.9.3 Destruction of private and public property, including cultural monuments and sacred sites*

993. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.10, in Pale Municipality between 12 May 1992 and 30 November 1995.<sup>4094</sup> Scheduled Incident D.10 is limited to the destruction of the Prača, Podvitez, and Bogovići mosques. As far as the charge of destruction is concerned, the Indictment is, however, not limited to the Scheduled Incident.<sup>4095</sup> Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.10. There are no Adjudicated Facts in connection with these alleged acts of destruction. The Chamber heard evidence from **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality,<sup>4096</sup> **Zdravko Čvoro**, Serb President of the Executive Board of Pale

<sup>4094</sup> Indictment, paras 47, 52, 59(j), Schedule D.10.

<sup>4095</sup> Further on this issue, *see* Appendix B.

<sup>4096</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

Municipality from 1 January to 31 August 1992 and President of the Serb Pale Crisis Staff in April and May 1992,<sup>4097</sup> and **András Riedlmayer**, bibliographer and art documentation specialist.<sup>4098</sup>

994. **Sulejman Crnčalo** testified that after the war, he learned that between July and September 1992, the ‘Serb forces’ destroyed three mosques in Prača, Podvitez, and Bogovići.<sup>4099</sup> According to the witness, the mosques in Prača and Podvitez were mined, and the mosque in Bogovići was burnt down.<sup>4100</sup> **Zdravko Čvoro** testified that during this period, Pale was under the control of the SDS.<sup>4101</sup> At the beginning of the war, there were three mosques in the municipality, which were destroyed after the Muslim residents had left the municipality.<sup>4102</sup> **András Riedlmayer** specified that the Prača mosque was blown up on 10 October 1992, resulting in the destruction of the building and its minaret. Photographs taken after the war reveal that its ruins were razed and the site was levelled.<sup>4103</sup> The mosque’s turbe, located ten metres from the mosque, was broken into and vandalized during the war but did not suffer structural damage. Riedlmayer classified the adjacent building as ‘lightly damaged’.<sup>4104</sup> The Podvitez mosque was blown up and destroyed by ‘Bosnian Serbs’ in 1992.<sup>4105</sup> The Bogovići mosque and its minaret were blown up and destroyed in 1992. Photographs taken after the war reveal that only a mound of rubble remained at the site.<sup>4106</sup>

995. Riedlmayer also testified that the Pale Catholic church was broken into and vandalized during the war. The votive statues of saints on the main and side altars were

<sup>4097</sup> D492 (Zdravko Čvoro, witness statement, 10 May 2014), p. 1, paras 1-2; Zdravko Čvoro, T. 21920-21921, 29132, 22135-22136, 22186; P3972 (Report from Pale SJB on moving out of Muslims and Croats, 6 July 1992); D497 (Conclusion adopted by Pale Executive Committee on establishment of revision commission to protect the property of citizens who had left Pale, 14 July 1992).

<sup>4098</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1.

<sup>4099</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 79; Sulejman Crnčalo, T. 3238, 3245.

<sup>4100</sup> Sulejman Crnčalo, T. 3245.

<sup>4101</sup> Zdravko Čvoro, T. 3238-3239.

<sup>4102</sup> Zdravko Čvoro, T. 22185.

<sup>4103</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 8-10; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>4104</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 8-9; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

<sup>4105</sup> P2510 (Formatted entries to expert report of András Riedlmayer), pp. 11-13; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

smashed but no structural damage was inflicted on the church. The adjacent Catholic parish house was broken into, looted, and its interior and porch were damaged during the war.<sup>4107</sup>

996. Based on the foregoing evidence, the Trial Chamber finds that the Podvitez, Bogovići, and Prača mosques were destroyed. The Trial Chamber further finds that the Pale Catholic church was vandalized and its adjacent Catholic parish house was damaged. The Trial Chamber will not rely on Andrés Riedlmayer's second-hand evidence on the date of the destruction of the three mosques as the information comes from the Centre for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina.<sup>4108</sup> The Trial Chamber will not further consider Riedlmayer's hearsay evidence concerning the alleged perpetrators of the Podvitez mosque as the original source of knowledge is unclear. Further, the Trial Chamber will not consider the hearsay evidence of Sulejman Crnčalo concerning the date of destruction and the alleged perpetrators of the destruction of the Prača, Podvitez, and Bogovići mosques as it lacks a source of knowledge. The Trial Chamber will not further consider the evidence of Zdravko Čvoro concerning the date of destruction of mosques in the municipality, since the timeframe provided by him is vague and open-ended. In addition, the witness does not provide a basis for his knowledge. Consequently, the Trial Chamber is unable to identify the date of destruction and the perpetrators of the destruction of the Prača, Podvitez, and Bogovići mosques. Concerning the damage inflicted to the Pale Catholic church and its parish, the Trial Chamber is unable to precisely date the damage and received no evidence about the perpetrators and is, therefore, unable to identify them. Under these circumstances, it will not further consider these incidents in relation to Count 3 of the Indictment.

#### *4.9.4 Appropriation or plunder of property*

997. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian

<sup>4106</sup> P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 14-15; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

<sup>4107</sup> P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

Croats in Pale Municipality between 12 May 1992 and 30 November 1995.<sup>4109</sup> Although the Prosecution informed the Trial Chamber that it would not be presenting evidence on this alleged crime,<sup>4110</sup> it did not withdraw the charge in this respect and, furthermore, did present such evidence.

998. **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality,<sup>4111</sup> testified that in May and June 1992, he noticed an increased concentration of military equipment and military presence in the Pale area.<sup>4112</sup> Young men in partial uniforms, with red ribbons as armbands and headbands and armed with rifles and knives, drove around Pale, and when they saw a nice car, they took it away from the owners without paying any compensation.<sup>4113</sup> Because of their behaviour and how they were dressed, Crnčalo believed that they were paramilitaries and estimated that there were over 1,000 of them present in Pale.<sup>4114</sup> Some of these men who were dressed in camouflage uniforms conducted searches of Muslim-owned shops and take goods without paying.<sup>4115</sup> They stole the jewellery of Agan Kadaric and his wife, but were later caught by the local police who then returned the jewellery to the owners.<sup>4116</sup> The Trial Chamber also considered the witness's testimony reviewed in chapter 9.2.5. The Trial Chamber has further considered evidence by **András Riedlmayer**, bibliographer and art documentation specialist,<sup>4117</sup> reviewed in chapter 4.9.3.

999. Based on the above, the Trial Chamber finds that from 12 May through June 1992, partially-uniformed men, wearing red ribbons as armbands and headbands and armed with rifles and knives, drove around Pale and took away cars without paying for them. From the description of these men the Trial Chamber is not able to identify their affiliation. The Trial Chamber has also considered the evidence regarding which armed forces were present in Pale Municipality at the time. This evidence has been reviewed in chapter 4.9.7 and indicates that besides the SJB and 'the Red Berets from Knin', there

<sup>4108</sup> The Trial Chamber refers to Appendix B for its approach to Riedlmayer's evidence in this respect.

<sup>4109</sup> Indictment, paras 47, 59(i).

<sup>4110</sup> Prosecution Witness List, 10 February 2012, p. 74, footnote 11.

<sup>4111</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

<sup>4112</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 52.

<sup>4113</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 52; P261 (Sulejman Crnčalo, Clarifications to the ICTY statement, September 2012).

<sup>4114</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 54.

<sup>4115</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 32.

<sup>4116</sup> Sulejman Crnčalo, T. 3290.

<sup>4117</sup> P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1.

were also other unspecified units present in the municipality. Therefore, the Trial Chamber is unable to conclude which group the men belonged to or were affiliated with. The Trial Chamber will not further consider these incidents in relation to Count 3 of the Indictment.

1000. In relation to the evidence received on the looting of the parish house adjacent to the Pale Catholic church, the Trial Chamber is unable to identify the date of the looting and received no evidence about the perpetrators and is, therefore, unable to identify them. Under these circumstances, it will not further consider this incident in relation to Count 3 of the Indictment.

#### *4.9.5 Forced labour and human shields*

1001. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.9.6 Imposition and maintenance of restrictive and discriminatory measures*

1002. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

#### *4.9.7 Forcible transfer and deportation*

1003. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Pale Municipality between 12 May 1992 and 30 November 1995.<sup>4118</sup> The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats.<sup>4119</sup> Others were physically driven out.<sup>4120</sup> The Defence argued that Bosnian Muslims and Bosnian Croats requested to leave the municipality by their own free will, out of fear of

<sup>4118</sup> Indictment, paras 47, 59(f), 67-70.

<sup>4119</sup> Indictment, para. 70.

<sup>4120</sup> Indictment, para. 70.



retribution following a number of attacks on local Serb population and the JNA.<sup>4121</sup> Instances of pressures from some individuals to Bosnian Muslims and Bosnian Croats were due to misinterpretation of the Pale SDS's decision.<sup>4122</sup> The Prosecution argued that the forceful expulsion was an official policy, reflected by the involvement of Pale's civilian and MUP authorities in compelling, formalising, and then implementing it.<sup>4123</sup> The claim that the transfer was voluntarily is contradicted by the evidence of widespread persecution, harassment, killings, unlawful arrests, and other abuse by the Serbs.<sup>4124</sup> Although the Prosecution informed the Trial Chamber that it would not be presenting evidence on this alleged crime,<sup>4125</sup> it did not withdraw the charge in this respect and, furthermore, did present such evidence. The Defence has also presented evidence in relation to this charge. The Trial Chamber received evidence from **Zdravko Čvoro**, Serb President of the Executive Board of Pale Municipality from 1 January to 31 August 1992 and President of the Serb Pale Crisis Staff in April and May 1992;<sup>4126</sup> **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;<sup>4127</sup> and **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator.<sup>4128</sup>

1004. **Zdravko Čvoro** testified that Muslims and Croats constituted about 28 per cent of the population of Pale Municipality in January 1991 and up until January 1992.<sup>4129</sup> Twenty-seven per cent of the population was Muslim and 1 percent Croat.<sup>4130</sup> During the war many of the Croats stayed in Pale but most of the Muslims left.<sup>4131</sup> According to **Sulejman Crnčalo**, as of May 1992, refugees from surrounding villages and from Sarajevo arrived in Pale.<sup>4132</sup> This large wave of refugees, which comprised

<sup>4121</sup> Defence Final Brief, para. 1386.

<sup>4122</sup> Defence Final Brief, para. 1388.

<sup>4123</sup> Prosecution Final Brief, Annex A, p.103.

<sup>4124</sup> Prosecution Final Brief, Annex A, p. 104.

<sup>4125</sup> Prosecution Witness List, 10 February 2012, p. 74, footnote 11.

<sup>4126</sup> D492 (Zdravko Čvoro, witness statement, 10 May 2014), p. 1, paras 1-2; Zdravko Čvoro, T. 21920-21921, 29132, 22135-22136, 22186; P3972 (Report from Pale SJB on moving out of Muslims and Croats, 6 July 1992); D497 (Conclusion adopted by Pale Executive Committee on establishment of revision commission to protect the property of citizens who had left Pale, 14 July 1992).

<sup>4127</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

<sup>4128</sup> P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.

<sup>4129</sup> Zdravko Čvoro, T. 22121-22122; P6559 (Excerpt from Census data by municipalities in 1991, 1995), p. 3.

<sup>4130</sup> Zdravko Čvoro, T. 22121-22122; P6559 (Excerpt from Census data by municipalities in 1991, 1995), p. 3.

<sup>4131</sup> Zdravko Čvoro, T. 21926, 22171, 22191.

<sup>4132</sup> Sulejman Crnčalo, T. 3286.

approximately 15,000 people, contributed to the rise in tensions in Pale.<sup>4133</sup> **Čvoro** added that these refugees were Serb and that following the killing of Serbs, including police officers, by Muslims in Pale and Sarajevo around mid to end May 1992, the Muslim population of Pale began submitting applications to leave Pale for Sarajevo fearing retaliation and feeling unsafe.<sup>4134</sup>

1005. **Crnčalo** testified that in May 1992, a Muslim delegation from Pale, including him, met with Koroman, the chief of the SJB, and Nikola Koljević to discuss the issue of Serbs forcing the Muslims out of the municipality.<sup>4135</sup> When the delegation asked for guarantees that the Muslims could stay in the municipality, Koljević replied that it did not matter what the Muslims wanted, because the Serbs did not want to continue living there with the Muslims.<sup>4136</sup> According to the witness, Koljević was speaking on behalf of the Serb authorities.<sup>4137</sup> Koroman further said that Red Berets from Knin and other units had come to Pale to 'do their job', and that he could not guarantee safety to the Muslims.<sup>4138</sup> The witness knew from Bosnian-Serb television that the Red Berets had burnt houses and killed Croat Catholics in Knin and Gospić.<sup>4139</sup>

1006. In a letter dated 24 May 1992 to the 'Boksit' Company in Milići, Branko Đerić stated that the Pale Crisis Staff had asked the Bosnian-Serb Government to help them procure the fuel necessary to transport 'refugees'. He pointed out that Pale Municipality was the area with the largest number of 'refugees' and asked the company to deliver one cistern of fuel to 'Romanijaprevoz' from Pale in order to transport them. He then stated that the pro forma invoice for the delivered fuel shall be submitted to the budget of the Bosnian-Serb Republic.<sup>4140</sup>

1007. **Čvoro** testified that on 12 June 1992, the President of the Pale Municipal Assembly, Radislav Starčević, sent a letter to the Pale SDS urgently requesting the party to adopt a general position on the moving out of the non-Serb population from Pale

<sup>4133</sup> Sulejman Crnčalo, T. 3286-3287.

<sup>4134</sup> D492 (Zdravko Čvoro, witness statement, 10 May 2014), paras 3, 10; Zdravko Čvoro, T. 22206.

<sup>4135</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 36-38; Sulejman Crnčalo, T. 3244; P264 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the centre of Pale, signed for the SJB Chief Malko Koroman, 2 July 1992).

<sup>4136</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 38; Sulejman Crnčalo, T. 3235.

<sup>4137</sup> Sulejman Crnčalo, T. 3236.

<sup>4138</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 39-40.

<sup>4139</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 39.

<sup>4140</sup> P6564 (Letter signed by Branko Đerić addressed to Boksit company, 24 May 1992).

Municipality.<sup>4141</sup> On 18 June 1992, the Pale Municipal Assembly established a working group tasked with formulating a decision on the organised moving out of Muslims and Croats on a voluntary basis.<sup>4142</sup> On 19 June 1992, the Pale Municipal Assembly issued the decision stating that: (i) citizens of Muslim and Croat ethnicity who wished to change their residence could do so with the permission of the Pale SJB; (ii) citizens were to come to the SJB and personally apply for a change of residence; (iii) the SJB was in charge of compiling a list of all persons wishing to change their residence and the property they owned. The decision also stated that the SJB 'shall guarantee safety of passage to the agreed destination'. This decision was issued pursuant to 'requests of the Muslim and Croatian citizens'.<sup>4143</sup> According to Čvoro, the decision confirmed the constitutional right of Muslims and Croats of freedom of movement.<sup>4144</sup>

1008. Čvoro also testified that prior to the adoption of the decision, some members of the SJB exercised pressure on Muslims to leave their houses.<sup>4145</sup> Afterwards, some Serbs continued to exert pressure on Muslims to leave their houses as they misinterpreted and abused the decision, and some Muslims interpreted the decision as meaning that they had to leave Pale Municipality.<sup>4146</sup> Crnčalo testified that the pressure from some members of the SJB began as early as March 1992.<sup>4147</sup>

1009. At the end of June or beginning of July 1992, the majority of Muslims and Croats living in Pale Municipality submitted requests to change their place of residence, which were received by the SJB, and started leaving for Sarajevo.<sup>4148</sup> Crnčalo testified that in late June and early July 1992, the Serb authorities in Pale organised convoys to remove Muslims from the area.<sup>4149</sup> A notice, put up on an electricity pylon in the

<sup>4141</sup> Zdravko Čvoro, T. 21926-21927; D494 (Letter from President of Pale Municipal Assembly, Radislav Starčević, to Pale SDS requesting adoption of general position on moving out of non-Serb population from Pale, 12 June 1992).

<sup>4142</sup> D492 (Zdravko Čvoro, witness statement, 10 May 2014), para. 11; Zdravko Čvoro, T. 22195-22196, 22205; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.

<sup>4143</sup> P3973 (Decision of the Pale Municipal Assembly, 19 June 1992), p. 1.

<sup>4144</sup> D492 (Zdravko Čvoro, witness statement, 10 May 2014), para. 11; Zdravko Čvoro, T. 22195-22196, 22205.

<sup>4145</sup> Zdravko Čvoro, T. 22186-22187; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.

<sup>4146</sup> Zdravko Čvoro, T. 22186-22187, 22208, 22211-22212; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5; P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.

<sup>4147</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 23, 33.

<sup>4148</sup> Zdravko Čvoro, T. 21927-21928, 21930-21931, 22188-22189, 22207; D495 (Request by Muslim residents for temporary resettlement from Pale, 22 June 1992), p. 1.

<sup>4149</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 64.

neighbourhood, specified the date and time when the Muslims were supposed to board the organised buses.<sup>4150</sup> Čvoro testified that the buses were escorted by police officers of the Pale SJB.<sup>4151</sup> Occasionally, they left in private vehicles.<sup>4152</sup>

1010. According to Crnčalo, the first convoy, consisting of seven buses packed full of people, left on 28 or 29 June 1992; the second convoy had six buses; the third convoy had five buses.<sup>4153</sup> There were approximately 90 people on each bus.<sup>4154</sup> After the departure of the first convoy, the witness and other Muslims went to Starčević to enquire why these Muslims were being forced to leave.<sup>4155</sup> Starčević told them that these people must have done something unlawful.<sup>4156</sup> On 30 June 1992, 88 Muslims were transferred from Pale Municipality to the territory of Stari Grad in Sarajevo in two buses, escorted by police officers of the Pale SJB.<sup>4157</sup> On 1 July 1992, 220 citizens were transferred in four buses and 324 citizens in five buses.<sup>4158</sup>

1011. On 2 July 1992, the Pale SJB granted the request made by Muslims and Croats living in the Pale centre to be allowed to move out of Pale of their own free will, unobstructed and under the escort of police officers, to Stari Grad, Sarajevo Municipality.<sup>4159</sup> On this day, Crnčalo was informed by a Serb woman, Dragica Subotić, that she wanted to move into the house that he co-owned with his brother and, in exchange, the witness could move into her house in Sarajevo.<sup>4160</sup> Crnčalo's brother discussed the exchange of property with Subotić a few hours before Crnčalo found out about the whole exchange.<sup>4161</sup> At the Pale municipal building, Crnčalo and his brother signed a pre-drafted contract stating that their house was to be 'looked after and used' by Dragica Subotić in exchange for her house in Sarajevo, and that this use of property

<sup>4150</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 65.

<sup>4151</sup> Zdravko Čvoro, T. 22187-22188, 22197-22198, 22241; P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).

<sup>4152</sup> Zdravko Čvoro, T. 22197-22198, 22239, 22241; P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).

<sup>4153</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 66, 71.

<sup>4154</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 71.

<sup>4155</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 67.

<sup>4156</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 67.

<sup>4157</sup> P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).

<sup>4158</sup> P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).

<sup>4159</sup> P264 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the centre of Pale, signed for the SJB Chief Malko Koroman, 2 July 1992).

<sup>4160</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 61-62; Sulejman Crnčalo, T. 3291-3292.

<sup>4161</sup> Sulejman Crnčalo, T. 3295-3297.

under the contract was temporary.<sup>4162</sup> Crnčalo testified that he had not given up his house voluntarily and he had to leave his car and belongings behind, barring two plastic bags which he could take with him.<sup>4163</sup> Everyone was allowed to take with them as much as they could carry.<sup>4164</sup> Crnčalo identified a number of Muslims, such as Mustafa Pajić, Selmo Smajić, and Salih Ramić, whose names and signatures appear on the Pale SUP list of contracts registered on 2 July 1992, and testified that none of these persons who were all ‘expelled’ from Pale surrendered their houses willingly.<sup>4165</sup> Around an hour after signing the ‘exchange contract’, the witness, his wife, and two children boarded one of the five buses in the third convoy from Pale to Sarajevo.<sup>4166</sup> There were women, men, and children on the buses.<sup>4167</sup> The witness and other Muslims were taken to Hreša, a hamlet near Sarajevo, from where they had to walk to the city.<sup>4168</sup> When Crnčalo reached Sarajevo, he found that Dragica Subotić’s property, where he was supposed to stay, had been partially destroyed by a shell and thus was uninhabitable.<sup>4169</sup>

1012. The Stari Grad SJB’s logbook recorded that on 2 July 1992, 400 Bosnian Muslims arrived in the Sarajevo neighbourhood of Vratnik from Pale.<sup>4170</sup> In relation to this entry, **Nedžib Đozo** testified that members of the VRS had informed his superiors at the Stari Grad police station that a large number of Bosnian Muslims had arrived in Vratnik after having been expelled from Pale.<sup>4171</sup> According to a newspaper article from *Oslobodenje* dated 3 July 1992, 400 Muslims and Croats from Pale, who were ‘forced’ by the occupying authorities to leave their homes arrived in Sarajevo on 2 July 1992 with only the most essential personal belongings.<sup>4172</sup> They were in possession of decisions, signed by a court of the Bosnian-Serb Republic, to exchange their apartments with Serbs from Sarajevo.<sup>4173</sup> Upon arrival they were billeted in the homes of Sarajevo

<sup>4162</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 61-62; Sulejman Crnčalo T. 3291-3293, 3295-3297; D54 (Property exchange contract between Sulejman and Taib Crnčalo and Dragica Subotić, July 1992).

<sup>4163</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 62; Sulejman Crnčalo, T. 3291-3293, 3298-3301.

<sup>4164</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 71.

<sup>4165</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 62; P265 (List of contracts concluded on 2 July 1992).

<sup>4166</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 62, 66, 69, 71; Sulejman Crnčalo, T. 3293.

<sup>4167</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 71, 77.

<sup>4168</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 77.

<sup>4169</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 61; Sulejman Crnčalo, T. 3306.

<sup>4170</sup> P549 (Stari Grad police station notebooks, April 1992), p. 104.

<sup>4171</sup> Nedžib Đozo, T. 5548; P549 (Stari Grad police station notebooks, April 1992), p. 104.

<sup>4172</sup> Zdravko Čvoro, T. 22191; P6571 (Newspaper article published in *Oslobodenje*, 3 July 1992).

<sup>4173</sup> P6571 (Newspaper article, 3 July 1992).

inhabitants.<sup>4174</sup> On 3 July 1992, another 410 citizens were transferred from Pale in seven buses.<sup>4175</sup>

1013. On 6 July 1992, the Pale SJB granted another request made by Croats and Muslims living in the inner part of Pale to be allowed to move out of Pale municipality of their own free will, unobstructed and under the escort of police officers to Stari Grad, Sarajevo Municipality.<sup>4176</sup> The 6 July 1992 decision specified that the convoy would comprise 420 civilians of Muslim and Croat ethnicities travelling in eight buses.<sup>4177</sup> Also on 6 July 1992, the Executive Committee of Pale Municipality requested that the Pale police take the necessary measures to protect the property of non-Serbs who had moved out, until the property is taken over by an authorised institution.<sup>4178</sup>

1014. On 7 July 1992, the Pale Executive Committee reported to the Wartime Board of Commissioners of Pale Municipality, personally to Biljana Plavšić, that the Pale Municipal Assembly's decision dated 19 June 1992 was misinterpreted and had led to forced and unauthorised expulsion of the Muslim population which created a series of problems including the commission of a large number of illegal and criminal activities.<sup>4179</sup> The report states that the cause of these problems was the lack of coordination between police stations and 'SO' executive committees.<sup>4180</sup> Čvoro testified that the Executive Committee informed Biljana Plavšić, the commissioner for Pale Municipality, about the situation on the ground almost on a daily basis.<sup>4181</sup> She told the executive to do everything they could to stop these incidents.<sup>4182</sup> The Executive Committee went in the field and talked to the Muslims concerned by these incidents, informing them that they did not have to leave but could do so if they wanted to.<sup>4183</sup> The

<sup>4174</sup> P6571 (Newspaper article, 3 July 1992).

<sup>4175</sup> P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).

<sup>4176</sup> P266 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).

<sup>4177</sup> P266 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).

<sup>4178</sup> P267 (Conclusions of the Executive Committee of Pale Municipal Assembly and Pale Municipal Staff of Civilian Protection, signed by Ždravko Čvoro, Chairman of the Executive, and Momir Blagojević, Commander of the Civilian Protection Staff, 6 July 1992).

<sup>4179</sup> P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.

<sup>4180</sup> P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.

<sup>4181</sup> Zdravko Čvoro, T. 22231-22236; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.

<sup>4182</sup> Zdravko Čvoro, T. 22234.

<sup>4183</sup> Zdravko Čvoro, T. 22212-22213, 22234-22235.

witness did not know what the police did in this respect.<sup>4184</sup> According to the witness, these attempts to have people move out by force eventually stopped completely.<sup>4185</sup>

1015. According to a 19 July 1992 memorandum addressed to a number of municipalities, including Pale, Karadžić requested that an inventory be made of all the vacant housing facilities ‘following the voluntary departure of Muslims’, so that they could temporarily be used to house the Serbs from Sarajevo.<sup>4186</sup> **Crnčalo** testified that the assertion that the transfers of the Muslims and Croats were carried out at their request was false.<sup>4187</sup> Neither he nor other Muslims left Pale voluntarily, but they were forced to do so in order to protect their families.<sup>4188</sup> In 2002, with the help of the Commission for Real Property Claims of Displaced Persons and Refugees, the witness recovered the possession of his house where, until that time, two sons of Dragica Subotić had been living.<sup>4189</sup> There was no furniture or floor boards in the house.<sup>4190</sup> Crnčalo’s car was never returned to him.<sup>4191</sup>

1016. Based on the foregoing, the Trial Chamber finds that between late June and early July 1992, over 2,000 Bosnian-Muslim and Bosnian-Croat residents left Pale for Sarajevo in convoys escorted by the Pale SJB. The Trial Chamber finds that some members of the SJB exercised pressure on Muslims to leave the municipality as early as March 1992. Further, the Trial Chamber finds that in May 1992, a Muslim delegation met with the Chief of the Pale SJB and Nikola Koljević who, when asked about guarantees that Muslims could stay in the municipality, responded that it did not matter what the Muslims wanted, because Serbs did not want to continue living there with the Muslims and Koroman said that he could not guarantee their safety. The Trial Chamber further finds that already around mid to late May 1992, the Muslim population of Pale began submitting applications to leave Pale for Sarajevo. With regard to the reasons for leaving the municipality, the Trial Chamber further notes that Crnčalo testified that neither he nor other Muslims left Pale voluntarily, but that they were forced to do so in

<sup>4184</sup> Zdravko Čvoro, T. 22235-22236.

<sup>4185</sup> Zdravko Čvoro, T. 22236.

<sup>4186</sup> P263 (Memorandum of Radovan Karadžić sent to the Serb Municipalities of Novo Sarajevo, Pale, Iliđža, Hadžići, Rajlovac, Sokolac, and Han Pijesak, 19 July 1992).

<sup>4187</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 70, 72, 74; P264 (Decision of the Pale MUP allowing the Muslims and Croats to leave the centre of Pale, signed for the Chief of the SJB, Malko Koroman, 2 July 1992); P266 (Decision of the Pale MUP allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).

<sup>4188</sup> P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 70, 72-74, 76.

<sup>4189</sup> Sulejman Crnčalo, T. 3302.

<sup>4190</sup> Sulejman Crnčalo, T. 3298.

order to protect their families. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8 below.

<sup>4191</sup> Sulejman Crnčalo, T. 3304.