



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-95-5/18-PT

Date: 9 October 2009

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge O-Gon Kwon, Presiding  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

**Registrar:** Mr. John Hocking

**Decision of:** 9 October 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**DECISION ON SECOND PROSECUTION MOTION FOR  
JUDICIAL NOTICE OF ADJUDICATED FACTS**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**THIS TRIAL CHAMBER** of the 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 (“Tribunal”) is seised of the “Second Prosecution Motion for Judicial Notice of Adjudicated Facts and *Corrigendum* to First Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 17 March 2009 (“Motion”), and the “*Corrigendum* to Second Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 27 July 2009 (“Corrigendum”), and hereby renders its decision thereon.

### **I. Background and Submissions**

1. The Motion was preceded by the “First Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 27 October 2008 (“First Motion”), and followed by the “Third Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 7 April 2009 (“Third Motion”). On 5 June 2009, the Chamber rendered its “Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts” (“First Decision on Adjudicated Facts”), granting the First Motion in part, and taking judicial notice of 302 out of 337 facts proposed by the Office of the Prosecutor (“Prosecution”) in its First Motion.<sup>1</sup> Similarly, on 9 July 2009, the Chamber issued its “Decision on Third Prosecution Motion for Judicial Notice of Adjudicated Facts” (“Third Decision on Adjudicated Facts”), accepting 466 out of 497 facts proposed by the Prosecution in its Third Motion.<sup>2</sup>

2. In the Motion, the Prosecution requests that the Chamber exercise its power under Rule 94(B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) to take judicial notice of facts set out in Appendix A, which is divided into three sections. The first section relates to the historical background to the conflict in Bosnia and Herzegovina (“BiH”). The second section deals with the Yugoslav National Army (“JNA”), covering its structure, organisation, and engagement in the conflicts in Slovenia, Croatia, and BiH; the Bosnian Serb Army (“VRS”) and the Bosnian Serb Ministry of the Interior (“MUP”), addressing their formation and structure; and the Serbian MUP, covering the assistance provided by this institution to local Serb forces in Croatia. The third section relates to events in the municipalities of Banja Luka, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Donji Vakuf, Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Višegrad during the time relevant to the Indictment, and further deals with institutions of the Autonomous Region of Krajina (“ARK”), and with events that occurred across the ARK in the aforementioned period of time.

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<sup>1</sup> First Decision on Adjudicated Facts, 5 June 2009, para. 39.

<sup>2</sup> Third Decision on Adjudicated Facts, 9 July 2009, para. 63.

3. The facts proposed in the Motion have been adjudicated by Trial and Appeals Chambers in several cases, such as *Blagojević and Jokić*, *Brđanin*, *Krnojelac*, *Kunarac et al.*, *Kvočka et al.*, *Martić*, *Mrkšić*, *Tadić*, and *Vasiljević et al.*<sup>3</sup> The Prosecution incorporates by reference its submissions in the First Motion concerning the legal requirements to be met before judicial notice can be taken of an adjudicated fact.<sup>4</sup> It then submits that the adjudicated facts listed in Appendix A to the Motion meet the requirements set out in relevant Tribunal jurisprudence, and that taking judicial notice of those facts would achieve judicial economy while preserving the Accused's right to a fair, public, and expeditious trial.<sup>5</sup>

4. Specifically, the Prosecution argues that certain proposed facts in the second section of Appendix A, although pertaining to events in Croatia, are nevertheless relevant to the current case, and stresses that the facts in question: (1) show the continued pattern of participation of troops and individuals of the Serbian MUP and the JNA in the take-over of targeted areas in Croatia and BiH; (2) provide evidence of the continued participation of officials of these institutions in a Joint Criminal Enterprise ("JCE") to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in BiH; and (3) show the integration of "paramilitary/volunteer groups", such as those associated with Željko Ražnatović or Vojislav Šešelj, into the regular Serb forces' war effort.<sup>6</sup>

5. Similarly, the Prosecution acknowledges that the third section of Appendix A contains proposed facts which do not relate to events specifically charged in the Indictment, but submits that these facts are nevertheless relevant to the current proceedings, as they demonstrate a pattern of conduct proving the implementation of a JCE to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in BiH.

6. On 14 April 2009, the Accused filed his "Motion for Extension of Time to Respond to 2<sup>nd</sup> and 3<sup>rd</sup> Motions for Judicial Notice of Adjudicated Facts" ("Motion for Extension of Time"), requesting an extension of time until 21 January 2010 to respond to the Motion and to the Third Motion, and arguing that the sheer volume of both motions made it impossible for him to

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<sup>3</sup> See *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Judgement, 17 January 2005 ("*Blagojević* Trial Judgement"); *Prosecutor v. Brđanin*, Case No. IT-99-36-T, Judgement, 1 September 2004 ("*Brđanin* Trial Judgement"); *Prosecutor v. Krnojelac*, Case No. IT-97-25-T, Judgement, 15 March 2002 ("*Krnojelac* Trial Judgement"); *Prosecutor v. Kunarac et al.*, Case No. IT-96-23-T&IT-96-23/1-T, Judgement, 22 February 2001 ("*Kunarac* Trial Judgement"); *Prosecutor v. Kvočka et al.*, Case No. IT-98-30/1-T, Judgement, 2 November 2001 ("*Kvočka* Trial Judgement"); *Prosecutor v. Martić*, Case No. IT-95-11-T, Judgement, 12 June 2007 ("*Martić* Trial Judgement"); *Prosecutor v. Mrkšić*, Case No. IT-95-13/1-T, Judgement, 27 September 2007 ("*Mrkšić* Trial Judgement"); *Prosecutor v. Tadić*, Case No. IT-94-1-T, Judgement, 7 May 1997 ("*Tadić* Trial Judgement"); and *Prosecutor v. Vasiljević et al.*, Case No. IT-98-32-T, Judgement, 29 November 2002 ("*Vasiljević* Trial Judgement").

<sup>4</sup> Motion, para. 4; see also First Motion, paras. 3–4, 6, 8.

<sup>5</sup> Motion, para. 3.

respond adequately within the normal fourteen day limit.<sup>7</sup> On 16 April 2009, the Prosecution filed its “Prosecution Response to Motion for Extension of Time to Respond to 2<sup>nd</sup> and 3<sup>rd</sup> Motions for Judicial Notice of Adjudicated Facts”, opposing the Motion for Extension of Time, and arguing that the Accused had “failed to show good cause for his request in accordance with Rule 127(A)(i) of the Rules” by failing to provide specific justification for the alleged time extension.<sup>8</sup> On 17 April 2009, the pre-trial Judge issued a “Decision on Motion for Extension of Time to Respond to the Second and Third Motions for Judicial Notice of Adjudicated Facts” (“Decision on Motion for Extension of Time”), considering it to be in the interests of justice and sound pre-trial management to grant an extension of time, but finding that a much shorter period of time than that requested by the Accused would suffice. He then ordered the Accused to submit his response to the Motion no later than 30 June 2009.<sup>9</sup>

7. At the Status Conference held on 3 June 2009, the Accused indicated that, although the B/C/S translation of the Motion should have been provided to him on or before 6 May 2009, he had not received it yet.<sup>10</sup> Noting that the deadline fixed in the Decision on Motion for Extension of Time was based on the expectation that the B/C/S translation would be ready by 6 May 2009, the pre-trial Judge granted the Accused an additional extension of time to respond to the Motion up until 14 July 2009.<sup>11</sup> However, on 1 July 2009, the pre-trial Judge filed an “Order for Response to Second Prosecution Motion for Judicial Notice of Adjudicated Facts and *Corrigendum* to First Prosecution Motion for Judicial Notice of Adjudicated Facts” noting that, even though the Accused had received the B/C/S translation to the Motion in the meantime, he had not yet begun to prepare his response thereto, and that it was in the interests of good case management to give the Accused another extension of time to respond to the Motion. He therefore ordered the Accused to file his response to the Motion no later than 27 July 2009.

8. On 22 July 2009, the Accused filed his “Response to Second Prosecution Motion for Judicial Notice of Adjudicated Facts” (“Response”) opposing the Motion, and incorporating by reference the arguments raised in his responses to the First Motion<sup>12</sup> and to the Third Motion.<sup>13</sup>

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<sup>6</sup> Motion, para. 2.

<sup>7</sup> Motion for Extension of Time, paras. 3–4.

<sup>8</sup> Prosecution Response to Motion for Extension of Time to Respond to 2<sup>nd</sup> and 3<sup>rd</sup> Motions for Judicial Notice of Adjudicated Facts, 16 April 2009, paras. 1–2.

<sup>9</sup> Decision on Motion for Extension of Time to Respond to the Second and Third Motions for Judicial Notice of Adjudicated Facts, 17 April 2009, paras. 4–5.

<sup>10</sup> Status Conference, T. 307 (3 June 2009).

<sup>11</sup> Status Conference, T. 309 (3 June 2009).

<sup>12</sup> Response to First Prosecution Motion for Judicial Notice of Adjudicated Facts, 30 March 2009 (“Response to First Motion”).

<sup>13</sup> Response to Third Prosecution Motion for Judicial Notice of Adjudicated Facts and Motion for List of Witnesses to be Eliminated, 29 May 2009 (“Response to Third Motion”).



As an additional consideration, the Accused submits that, in light of the fact that the Chamber has already taken judicial notice of more than 600 adjudicated facts, and that the Prosecution has requested the Chamber to admit more than 200 statements or testimonies into evidence pursuant to Rules 92 *bis* and 92 *quater*, he “will be so far behind the Prosecution at the trial’s opening bell that the trial will proceed with a presumption of guilt”.<sup>14</sup> He also argues that the cumulative effect of taking judicial notice of adjudicated facts and admission of written evidence violates the presumption of innocence, and denies him the right to a fair trial.<sup>15</sup>

9. Additionally, the Accused submits that the Chamber should deny judicial notice of certain facts on the basis that they were established primarily in cases in which the accused in those cases were not charged with genocide, as taking judicial notice of such proposed facts in the current case would distort the fact finding process, given the fact that the parties to those proceedings may have had a different approach and different motives for their questions in court. Hence, the Accused should be given the opportunity to examine the relevant witnesses in order to establish that the acts in question “were not done with the intention of destroying the Bosnian Muslims as such”.<sup>16</sup>

10. Furthermore, the Accused argues that, even if the Chamber agrees to take judicial notice of adjudicated facts in general, it should nevertheless decline to do so in relation to certain facts on the basis that they do not meet the legal requirements under the Tribunal’s jurisprudence.<sup>17</sup> Finally, he requests the Chamber to exercise its discretion not to take judicial notice of certain proposed facts that would otherwise meet the criteria for such notice, arguing that these have been established either on the basis of evidentiary material to which he does not have access, or on the basis of testimonies of witnesses who are not identifiable in the original judgement.<sup>18</sup>

11. In the Corrigendum, the Prosecution corrects the text of proposed fact 1244, based on the Accused’s objection to this fact in his Response.

12. Also on 22 July 2009, the Chamber ordered the Prosecution to prepare a written submission on how Rule 73 *bis* (D) may be utilised to reduce the size of the trial and ensure that it is conducted fairly and expeditiously.<sup>19</sup> The Prosecution filed its submission on 31 August 2009, making a number of proposals, including the reduction of a number of crime sites or

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<sup>14</sup> Response, para. 1.

<sup>15</sup> Response, para. 3.

<sup>16</sup> Response, para. 4.

<sup>17</sup> Response, paras. 6–12, Annex A.

<sup>18</sup> Response, para. 13.

<sup>19</sup> Order to the Prosecution under Rule 73 *bis*, 22 July 2009.

incidents alleged in the Indictment.<sup>20</sup> Following a discussion on the matter at the Status Conference held on 8 September 2009, the Prosecution filed a second written submission on 18 September 2009.<sup>21</sup> The Accused filed a written response on 30 September 2009, without making any specific proposals or submissions in relation to the matter.<sup>22</sup> At the Pre-Trial Conference on 6 October 2009, the Chamber delivered its decision on the application of Rule 73 *bis*, which was followed by a written decision on 8 October 2009.<sup>23</sup> Therein, the Chamber accepted the reductions proposed by the Prosecution in its first submission, some of which affect the facts proposed in the present Motion. The effect of the Rule 73 *bis* decision will be discussed in more detail below.

## II. Applicable Law

13. Rule 94(B) of the Rules provides that:

At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

14. Rule 94(B) aims at achieving judicial economy and harmonising judgements of the Tribunal by conferring on the Trial Chamber discretionary power to take judicial notice of facts or documents from other proceedings. The Appeals Chamber has held that “[w]hen applying Rule 94 of the Rules, a balance between the purpose of taking judicial notice, namely to promote judicial economy, and the fundamental right of the accused to a fair trial must be achieved”.<sup>24</sup> The Appeals Chamber has further held that “while it is possible to take judicial notice of adjudicated facts regarding the existence of [...] crimes, the *actus reus* and the *mens rea* supporting the responsibility of the accused for the crimes in question must be proven by other means than judicial notice”.<sup>25</sup>

15. As to the effects of taking judicial notice, the Appeals Chamber has held that “by taking judicial notice of an adjudicated fact, a Chamber establishes a well-founded presumption for the

<sup>20</sup> Prosecution Submission pursuant to Rule 73 *bis* (D), 31 August 2009 (“First Submission”), Appendix B.

<sup>21</sup> Prosecution Second Submission pursuant to Rule 73 *bis* (D), 18 September 2009 (“Second Submission”), para. 2.

<sup>22</sup> Response to Prosecution’s Second Rule 73 *bis* Submission, 30 September 2009.

<sup>23</sup> Decision on Application of Rule 73 *bis*, 8 October 2009 (“Decision on Rule 73 *bis*”).

<sup>24</sup> *Prosecutor v. Nikolić*, Case No. IT-02-60/1-A, Decision on Appellant’s Motion for Judicial Notice, 1 April 2005, para. 12.

<sup>25</sup> *Prosecutor v. D. Milošević*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeal against Trial Chamber’s Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Prosecution’s Catalogue of Agreed Facts, 26 June 2007 (“*D. Milošević* Appeal Decision”), para. 16.

accuracy of this fact, which therefore does not have to be proven again at trial”.<sup>26</sup> It has also established that

judicial notice does not shift the ultimate burden of persuasion, which remains with the Prosecution. . . [T]he effect is only to relieve the Prosecution of its initial burden to produce evidence on the point; the defence may then put the point into question by introducing reliable and credible evidence to the contrary.<sup>27</sup>

16. In exercising its discretion under Rule 94(B), the Trial Chamber must assess: (1) whether each adjudicated fact satisfies the various requirements enumerated in the Tribunal’s case law for judicial notice, and (2) whether a fact, despite having satisfied the aforementioned requirements, should be excluded on the basis that its judicial notice would not be in the interests of justice.<sup>28</sup> Rule 94(B) requirements have been established by other Chambers,<sup>29</sup> as follows:

- (a) The fact must be relevant to the current proceedings;<sup>30</sup>
- (b) The fact must be distinct, concrete, and identifiable;<sup>31</sup>
- (c) The fact, as formulated by the moving party, must not differ in any substantial way from the formulation of the original judgement;<sup>32</sup>
- (d) The fact must not be unclear or misleading in the context in which it is placed in the moving party’s motion.<sup>33</sup> In addition, the fact must be denied judicial notice “if it will become unclear or misleading because one or more of the surrounding purported facts will be denied judicial notice”,<sup>34</sup>

<sup>26</sup> *Prosecutor v. S. Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution’s Interlocutory Appeal against the Trial Chamber’s 10 April 2003 Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4.

<sup>27</sup> *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006 (“*Karemera* Appeal Decision”), para. 42.

<sup>28</sup> *See Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex, 26 September 2006 (“*Popović* Decision”), para. 4.

<sup>29</sup> *See Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-PT, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts, 22 August 2008, para. 20.

<sup>30</sup> *Prosecutor v. Niyitegeka*, ICTR-96-14-A, Reasons for Oral Decision Rendered 21 April 2004 on Appellant’s Motion for Admission of Additional Evidence and for Judicial Notice, 17 May 2004, para. 16.

<sup>31</sup> *See, e.g., Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts Concerning Sarajevo, 26 June 2008 (“*Perišić* Decision”), para. 18; *Prosecutor v. M. Stanišić*, Case No. IT-04-79-PT, Decision on Judicial Notice, 14 December 2007 (“*Stanišić* Decision”), para. 37; *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 14 March 2006 (“*Prlić* Decision”), para. 12; *Prosecutor v. Hadžihasanović et al.*, Case No. IT-01-47-T, Decision on Judicial Notice of Adjudicated Facts Following the Motions Submitted by Counsel for the Accused Hadžihasanović and Kubura on 20 January 2005, 14 April 2005 (“*Hadžihasanović* Decision”), p. 5; *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005 (“*Krajišnik* Decision”), para. 14.

<sup>32</sup> *Krajišnik* Decision, para. 14.

<sup>33</sup> *Karemera* Appeal Decision, para. 55; *Popović* Decision, para. 8.

<sup>34</sup> *Popović* Decision, para. 8.

- (e) The fact must be identified with adequate precision by the moving party;<sup>35</sup>
- (f) The fact must not contain characterisations or findings of an essentially legal nature;<sup>36</sup>
- (g) The fact must not be based on an agreement between the parties to the original proceedings;<sup>37</sup>
- (h) The fact must not relate to the acts, conduct, or mental state of the accused;<sup>38</sup> and
- (i) The fact must clearly not be subject to pending appeal or review.<sup>39</sup>

### III. Discussion

#### A. General considerations

17. The Chamber notes that the Accused incorporates by reference the arguments raised in his responses to the First Motion and the Third Motion.<sup>40</sup> Considering that he does not substantiate any of the reasoning set out in his previous responses and that each and every argument submitted in these responses has already been dealt with by the Chamber in its First Decision on Adjudicated Facts and/or its Third Decision on Adjudicated Facts, the Chamber does not deem it necessary to discuss the same issues for a second or even a third time, and rejects once again the Accused's assertion that taking judicial notice of adjudicated facts is unlawful and inconsistent with international law.

18. The Chamber further notes that it has already dealt with the Accused's submission that the Chamber should decline to take judicial notice of facts which are (largely) based on documentary evidence.<sup>41</sup> Again, the Chamber finds that all the facts proposed in the Motion have already been established in a Tribunal judgement, and that it is therefore irrelevant, in terms of the test set out in paragraph 16 above, whether the Chamber issuing the relevant judgement relied on documentary evidence or on witness testimonies when establishing the facts

<sup>35</sup> *Prosecutor v. Kupreškić*, Case No. IT-95-16-A, Decision on the Motions of Drago Josipović, Zoran Kupreškić and Vlatko Kupreškić to Admit Additional Evidence Pursuant to Rule 115 and for Judicial Notice to be Taken Pursuant to Rule 94(B), 8 May 2001 (“*Kupreškić Appeal Decision*”), para. 12; *Popović Decision*, para. 9.

<sup>36</sup> *D. Milošević Appeal Decision*, paras. 19–22; *Popović Decision*, para. 10; *Krajišnik Decision*, para. 15. See also, *Hadžihasanović Decision*, p. 5; *Prosecutor v. Mežakić*, Case No. IT-02-65-PT, Decision on Prosecution Motion for Judicial Notice pursuant to Rule 94(B), 1 April 2004 (“*Mežakić Decision*”), p. 4; *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts and Documentary Evidence, 19 December 2003, para. 16; *Prlić Decision*, para. 12.

<sup>37</sup> *Popović Decision*, para. 11; *Mežakić Decision*, p. 4; *Prosecutor v. Krajišnik*, Case No. IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 bis, 28 February 2003, para. 15.

<sup>38</sup> *Karemera Appeal Decision*, para. 50.

<sup>39</sup> *Kupreškić Appeal Decision*, para. 6.

<sup>40</sup> Response, para. 2.

<sup>41</sup> Response, para. 7. This challenge relates to proposed facts 501, 513, 516, 518, 522, 525, 527, 529, 535, 537, 539, 542, 544, 547–549, 552, 554, 569, 571, 572, and 836. See Third Decision on Adjudicated Facts, para. 15.

contained in said original judgement.<sup>42</sup> Consequently, the Chamber rejects the Accused's submission in relation to proposed facts which are (largely) based on documentary evidence, and will consider taking judicial notice of them as long as the remaining requirements set out in paragraph 16 above are met.

19. Similar considerations apply to the Accused's argument that certain facts relating to the historical background of the events covered by the Indictment may rather be admitted as facts of common knowledge under Rule 94(A) and not under Rule 94(B) of the Rules.<sup>43</sup> While noting the Accused's argument, the Chamber finds that a fact is available for judicial notice under Rule 94(B) as long as it has already been established in a Tribunal judgement and meets the requirements of the test set out above under paragraph 16. The Chamber therefore dismisses the Accused's submission regarding facts that might also be available for judicial notice under Rule 94(B), and will take judicial notice of the respective facts as long as the test set forth in paragraph 16 is met.

20. The Accused additionally argues that it is unfair to take judicial notice of facts that have been established in cases in which genocide has not been charged, and claims that, as the parties to these original proceedings had a different approach to their case, the Accused would, if the relevant facts were taken judicial notice of, be denied the opportunity to establish from the relevant witnesses that "the acts were not done with the intention of destroying Bosnian Muslims as such".<sup>44</sup> The Chamber stresses that judicially noticing facts that have been taken from cases in which genocide was or was not charged is irrelevant, as the burden to prove the specific genocidal intent of the Accused always remains with the Prosecution. A different situation would be if the Chamber was determining whether to admit proposed facts dealing with the Accused's intent to destroy the Bosnian Muslims as such, as these would not be appropriate for judicial notice pursuant to the test set out above;<sup>45</sup> however, this is not the present case. Furthermore, the Chamber considers that, whether the approach and the motives of the parties to the original proceedings were similar to the Accused's approach and motives does not affect in any way the test set out above under paragraph 16, and it is therefore immaterial whether the Accused is given the opportunity to examine witnesses in order to establish that acts described in certain facts were not done with the intent to destroy the Bosnian Muslims as a group. Additionally, if the Accused wishes to challenge any of the facts proposed in the Motion, he is entitled to put the relevant points into question by introducing reliable and

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<sup>42</sup> See Third Decision on Adjudicated Facts, para. 14.

<sup>43</sup> This challenge relates to proposed facts 344–372, 379, 381, 382, 387, 389, 393, 394, 396, 397, 399, 402–405, 413, 414, 416, 417, 423, 429, and 457.

<sup>44</sup> Response, para. 4.

credible evidence to the contrary during the trial.<sup>46</sup> Thus, the Chamber rejects the Accused's reasoning that taking judicial notice of facts established in cases in which genocide was not charged would violate his rights.

**B. Further requirements for judicial notice under Rule 94(B)**

**[a] The fact must be relevant to the current proceedings**

21. While noting that the Accused does not challenge any of the proposed facts on the basis of lack of relevance to the current proceedings, the Chamber has analysed all the proposed facts against this requirement, and is not satisfied that each and every proposed fact contained in the first section of the Appendix to the Motion meets the criteria of this requirement.

22. The Chamber notes that there are many facts which were relevant to the proceedings when the Motion was filed, but which now fail to meet this requirement as a result of its Decision on Rule 73 *bis*.<sup>47</sup> In that Decision, the Chamber accepted "each of the proposals for reduction made by the Prosecution" in its First Submission, and determined that "the Prosecution may not present evidence in respect of the crime sites and incidents"<sup>48</sup> identified by the Prosecution. The Prosecution was also ordered to file a marked-up version of the Indictment, clearly identifying all of the crime sites or incidents which will not be the subject of evidence at trial, by 19 October 2009. On the basis of this ruling, facts relating to crime sites or incidents which are no longer to be the subject of evidence at trial, are rendered irrelevant to the current case. The Chamber has identified proposed facts 556 to 561, 594 to 627, 648 to 656, 675 to 721, 762, 957 to 1001, and 1361 to 1392 as falling within this category, and will decline to take judicial notice of these facts as they do not meet requirement [a] of the test set forth in paragraph 16 above.

23. Additionally, the Chamber finds that various facts contained in the first section of Appendix A to the Motion also fail to meet this requirement. In particular, proposed facts 344 to 350, relating to the Pre-World War II phase, and proposed facts 351 to 357, relating to the World War II phase, only provide information about events which occurred more than 45 years before the Indictment period.<sup>49</sup> Similar considerations apply to proposed facts 358 to 369, which relate to the Post-World War II phase, and most of which describe the political and social

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<sup>45</sup> See requirement [h] of the test set out above under para. 16.

<sup>46</sup> *Karemera* Appeal Decision, para. 42.

<sup>47</sup> See Decision on Rule 73 *bis*.

<sup>48</sup> Pre-Trial Conference, T. 4 (6 October 2009).

situation in the Federal Republic of Yugoslavia (“FRY”).<sup>50</sup> The Chamber acknowledges that all these facts give general historical background information about the events in BiH from 1992 to 1995. However, it considers that they are irrelevant to the facts at issue in the Indictment in terms of the test to be met for admission under Rule 94(B) of the Rules. An exception has only been made in relation to proposed facts 358, 359, and 363, as these are specifically linked to the situation in BiH right before or during the Indictment period.<sup>51</sup> The Chamber will, for the foregoing reasons, decline to take judicial notice of facts 344 to 357, 360 to 362, and 364 to 369. Proposed fact 359 will be discussed further below under para. 30.

24. In addition, proposed facts 370 to 373 exclusively deal with the beginning of the disintegration of the Socialist Federal Republic of Yugoslavia (“SFRY”) in general terms, and proposed facts 374 to 392 pertain to parts of the SFRY other than BiH, their relation to the SFRY, and their struggle for independence from the SFRY.<sup>52</sup> Considering that these facts only relate to regions other than BiH, and thus fall outside the scope of the Indictment, the Chamber does not deem them to be sufficiently closely linked to the facts at issue in the current case, for purposes of the test set out in paragraph 16 above, and will not to take judicial notice of them.

25. In contrast, proposed facts 393 to 414 contain information about BiH’s declaration of independence from the SFRY, about the creation of the Republika Srpska within BiH, and about the political situation in BiH from 1991 onwards. Given that these facts are directly linked to both the local and the chronological scope of the Indictment, the Chamber deems them of relevance to the facts at issue in the current proceedings. However, this does not apply to proposed fact 399, which exclusively deals with the establishment of the Federal Republic of Yugoslavia consisting of only Serbia and Montenegro. For these reasons, the Chamber will decline to take judicial notice of proposed fact 399 but will consider taking judicial notice of proposed facts 393 to 398 and 400 to 414, as long as the remaining requirements of the test set

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<sup>49</sup> *E.g.* proposed fact 345 states that “[c]enturies ago, Serbs were encouraged to settle along what is now the northern and western boundaries of Bosnia and Herzegovina, which at that time formed the military frontier between the Austro-Hungarian Empire and its predecessors, and that of the Ottoman Turks.”

<sup>50</sup> *E.g.* proposed fact 360 states that “Marshal Tito and his communist regime took stern measures to suppress and keep suppressed all nationalist tendencies.”

<sup>51</sup> Proposed fact 358 states that “[f]ollowing World War II in opština Prijedor, particularly in rural areas, the three ethnic groups, Serbs, Croats and Muslims, tended to live separately so that in very many villages one or another nationality so predominated that they were generally regarded as Serb or Croat or Muslim villages.” Proposed fact 359 states that “[d]uring the post-war years until 1991, intercommunal relations in opština Prijedor were relatively good, with friendships across ethnic and coincident religious divides, of intermarriages and of generally harmonious relations.” Proposed fact 363 states that “[t]he situation of Bosnia and Herzegovina was unique; although it was one of the six Republics, it, unlike the others, possessed no one single majority ethnic grouping and thus there was no recognition of a distinct Bosnian nation.”

<sup>52</sup> Proposed facts 374, 375, 377, and 378 pertain to the relation between the province of Kosovo and the SFRY; proposed facts 376 and 379 to 382 relate to Slovenia’s way to independence from the SFRY; proposed facts 383 to 392 provide information about Croatia’s declaration of independence from the SFRY, and about the annexation of the Serbian Autonomous Oblast of Krajina (“SAO Krajina”) to Serbia.

out in paragraph 16 above are met. Proposed facts 401 and 412 will be further analysed in paragraphs 31 and 37 below, respectively.

26. In relation to the second section of Appendix A to the Motion, the Chamber finds that proposed facts 415 to 422 dealing with the defence system of the SFRY known as “All People’s Defence”, with the Yugoslav People’s Army (“JNA”) and with the Territorial Defence (“TO”) meet requirement [a] of the test, as the formation and structure of the VRS may be connected to these entities, and can only be comprehended with at least some understanding of what they were and how they were structured.

27. Furthermore, proposed facts 423 to 476, dealing with the involvement of the JNA in the conflict in Croatia, and more precisely in the regions of the SAO Krajina and Vukovar, describe military campaigns which are not locally linked to the events charged in the Indictment. While noting the Prosecution’s submission in relation to these facts, it does not appear clear to the Chamber how facts dealing with military campaigns in Croatia could show the continued participation of officials of the JNA and TO in a JCE to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in BiH. Furthermore, even if the facts in question did show the integration of certain paramilitary or volunteer groups into the regular Serb forces’ war effort and the continued co-operation of JCE members from the SFRY with JCE members from the targeted regions (as also claimed by the Prosecution),<sup>53</sup> this could still only relate to the aforementioned military campaigns in Croatia and would not imply that the situation in BiH was the same. Similar considerations apply to proposed facts 477 to 484 which relate to the involvement of the Serbian Ministry of Interior (“Serbian MUP”) in the conflicts in the SAO Krajina. Hence, the Chamber does not consider proposed facts 423 to 484 to be sufficiently linked to the charges covered by the Indictment, for purposes of the test set out in paragraph 16 above, and will not take judicial notice of them.

28. In contrast, the Chamber considers that proposed facts 485 to 518, which deal with the involvement of the JNA in BiH and with the formation and the structure of the VRS as well as of the Bosnian Serb Ministry of Internal Affairs (“Bosnian Serb MUP”), are linked both to the local and the institutional scope of the Indictment. However, this does not apply to proposed facts 507, 508, and 513, which are not covered by the Indictment, as they exclusively relate to the sponsoring of the VRS by the FRY. The Chamber will, for this reason, deny judicial notice of proposed facts 507,<sup>54</sup> 508,<sup>55</sup> and 513<sup>56</sup>, and consider taking judicial notice of proposed facts

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<sup>53</sup> Motion, para. 2, second bullet.

<sup>54</sup> Proposed fact 507 states that “[a]lthough these officers and non-commissioned officers had become formally members of the VRS rather than of the former JNA, they continued to receive their salaries from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).”



485 to 506, 509 to 512, and 514 to 518, as long as the remaining requirements of the test set out in paragraph 16 above are met.

**[b] The fact must be distinct, concrete, and identifiable**

29. The reasons underlying the Accused's submission that proposed facts 1189, 1229, 1230, 1249, 1253, 1272, and 1273, are not distinct, concrete, and identifiable are not clearly stated in his Response. It is not clear to the Chamber why proposed facts 1230,<sup>57</sup> 1249,<sup>58</sup> 1253,<sup>59</sup> 1272,<sup>60</sup> and 1273<sup>61</sup> should not meet requirement [b] of the test set out in paragraph 16 above. Furthermore, the Chamber considers that proposed fact 1189, when read together with proposed fact 1188, also meets this requirement. Additionally, the Chamber assumes that the challenge directed against proposed fact 1229 relates to the information that "Kuruzović stayed in a house *very close* the Trnopolje compound";<sup>62</sup> however, it is satisfied that the lack of more exact information about the location of the house Kuruzović lived in does not make proposed fact 1229 insufficiently distinct and concrete. The Chamber therefore rejects all the challenges raised by the Accused in paragraph 8 of his Response.

30. Although the Accused has not submitted that proposed fact 359 does not meet the requirement dealt with under the current heading, the Chamber finds that the wording "intercommunal relations in opstina Prijedor were *relatively good*"<sup>63</sup> is insufficiently distinct and concrete. The same applies to proposed fact 726, which states that "inter-ethnic relations

<sup>55</sup> Proposed fact 508 states that "[t]he pensions of those VRS officers and non-commissioned officers who in due course retired were paid by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)."

<sup>56</sup> Proposed fact 513 states that "[a]fter 19 May 1992, the FRY provided the VRS with three main types of operational support: logistics, personnel and training. The FRY provided considerable quantities of military equipment, fuel and ammunition to the VRS and the latter was almost entirely dependent on this procurement. Not only did the VRS repeatedly emphasise the critical state of its material reserves and request the assistance of the FRY, but the latter responded and sent the requested material support."

<sup>57</sup> Proposed fact 1230 states that "As to the characteristics of Trnopolje camp, the entire camp was not fenced off deliberately as such, although parts of it were enclosed by a pre-existing wall. However, even if there had been just a line on the ground, nobody would have dared to cross it, on account of the fact that the camp was guarded on all sides by the army. There were machine-gun nests and well-armed posts pointing their guns towards the camp."

<sup>58</sup> Proposed fact 1249 states that "One individual in police uniform appeared to be in charge during this transfer procedure."

<sup>59</sup> Proposed fact 1253 states that "The individual who appeared to be in charge said: "Here we exchange the dead for the dead and the living for the living." Then the shooting began."

<sup>60</sup> Proposed fact 1272 states that "In the attack on Kozarac care was taken to try to avoid damage to Serb property. The Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction."

<sup>61</sup> Proposed fact 1273 states that "Similarly, Serb-dominated villages such as Rajkovići and Podgrađe were either not shelled at all or only shelled accidentally."

<sup>62</sup> Emphasis added.

<sup>63</sup> Cf. *Tadić* Trial Judgement, para. 64 (emphasis added).

appear to have been *relatively* normal”.<sup>64</sup> As a result, the Chamber will decline to take judicial notice of proposed facts 359 and 726.

31. Furthermore, proposed fact 401 states that “*the theme of the Serb-dominated media* was that “if for any reasons Serbs would become a minority population ... their whole existence would be perilous and endangered”<sup>65</sup>, and it does not provide any information as to which media in what area is meant. Therefore, the Chamber will deny judicial notice of proposed fact 401.

32. Proposed fact 420 reads: “The TOs were equipped with infantry weapons; rifles, light machine-guns, some small calibre artillery, mortars, anti-personnel mines and the like.”<sup>66</sup> The Chamber finds that the last words of this fact are too vague, as it is not evident what exactly is meant by the wording “and the like” at the end of the sentence. For this reason, the Chamber will decline to take judicial notice of the last part of proposed fact 420.

33. Proposed fact 736 states that “[b]efore the armed conflict had started, Muslim civilians in Foča were removed from their social and professional lives, their salaries remained unpaid or they were told their services were no longer needed. Most Muslim men were disarmed. Complete ostracism soon followed with freedom of Muslims to move about and to gather critically curtailed.” Noting that both the beginning of proposed fact 736 and proposed fact 739 refer to an armed conflict which broke out in Foča, it is not immediately clear to the Chamber how this fits with the finding that “[m]ost Muslim men were disarmed” in proposed fact 736’s second sentence. Furthermore, the wording “[c]omplete ostracism followed” is too vague and does not meet the standard warranted by requirement [b] of the test set out under paragraph 16 above. For these reasons, the Chamber will decline to take judicial notice of proposed fact 736.

**[c] The fact must not differ in any substantial way  
from the formulation of the original judgement**

34. The Chamber notes that the Accused challenges proposed facts 1244 and 1269 on the basis that they substantially differ from the original judgements from where they were taken. Considering that proposed fact 1244 has been edited by the Prosecution in its Corrigendum, the Chamber finds that the reformulated version adequately reflects the original judgement; the challenge directed by the Accused against this fact has thus become moot. Additionally, the Chamber deems it more appropriate to deal with proposed fact 1269 under heading [e] below. While noting that these are the only facts challenged by the Accused on the basis that they differ

<sup>64</sup> Cf. *Krnjelac* Trial Judgement, para. 16 (emphasis added).

<sup>65</sup> Emphasis added.

<sup>66</sup> Proposed fact 420 has not been challenged by the Accused.

substantially from the original judgement, the Chamber considers that there are other proposed facts that do not meet this requirement, and will deal with them in the following paragraphs.

35. Firstly, the Chamber considers that proposed fact 418 provides more information, i.e. the numbers of regular officers and soldiers as well as of conscripts in the JNA, than that contained in the referred paragraph of the *Tadić* Trial Judgement. Similar considerations apply to proposed fact 581, which states that “[o]n 8 August 1992, Vojo Kuprešanin visited Manjača camp and spoke to the prisoners”, whereas the date of the visit and the conduct of Kuprešanin are not provided in the relevant part of the *Brđanin* Trial Judgement. Also, proposed fact 802<sup>67</sup> contains more specific information than the referred paragraphs of the *Kunarac* Trial Judgement.<sup>68</sup> Accordingly, the Chamber considers that proposed facts 418, 581, and 802 substantially differ from the original judgement, and will decline to take judicial notice thereof.

36. The Chamber also notes that the last sentence of paragraph 427 of the *Brđanin* Trial Judgement has been omitted in proposed fact 945, which only states that “[d]uring the evening of 1 June 1992, Bosnian Serb police from the checkpoint at Velagići sent a man to the predominantly Bosnian Muslim hamlets of Vojići, Nežići, Hažići, Častovići and Hadžići. He informed the local population that they were obliged to come to Velagići.” Thus, proposed fact 945 suggests that the local population was obliged to go to Velagići at all events, whereas paragraph 427 of the *Brđanin* Trial Judgement, when read in its entirety, indicates that the population only had to go to Velagići if they wanted “to obtain a permit in order to be allowed to move around freely.” The Chamber thus considers the difference between proposed fact 945 and the relevant part of the *Brđanin* Trial Judgement to be a substantial one, and will therefore deny judicial notice of this fact.

<sup>67</sup> Proposed fact 802 states that “Kunarac took two Bosnian Muslim women several times to his headquarters at Ulica Osmana Đikića no. 16, where his soldiers were housed. At the end of July 1992, Kunarac, together with his deputy “GAGA”, took the two women to this house for the first time. When they arrived at the headquarters, a group of soldiers were waiting. Kunarac took one of the women to a separate room and raped her, while the other was left behind together with the other soldiers. For about 3 hours, that woman was gang-raped by at least 15 soldiers (vaginal and anal penetration and fellatio). They sexually abused her in all possible ways. On other occasions in the headquarters, one to three soldiers, in turn, raped her.”

<sup>68</sup> Paragraph 637 of the *Kunarac* Trial Judgement states that “[t]he Trial Chamber is satisfied that the rapes of FWS-75 and D.B. as described in paragraph 5.3 have been proved beyond reasonable doubt. The testimonies of both FWS-75 and D.B. place the incident at the end of July rather than on or around 16 July 1992. FWS-75 said that it took place “a few days before 2 August 1992”, and D.B. placed it about 10 days after her arrival in Partizan, which, according to her memories of the sequence of events, was around the 13th to 15th July. The Trial Chamber is satisfied that this incident is the one charged under paragraph 5.3 of the Indictment”. Paragraph 653 of the *Kunarac* Trial Judgement states that “[t]he Trial Chamber is therefore satisfied that the allegations made in paragraph 5.3 of the Indictment have been proved beyond reasonable doubt, namely that Dragoljub Kunarac took FWS-75 and D.B. to Ulica Osmana Đikića no 16 for them to be raped. On this occasion, Kunarac personally had sexual intercourse with D.B. in the knowledge that she did not consent and aided and abetted the gang-rape of FWS-75 at the hands of several of his soldiers by taking her to the house in the knowledge that she would be raped there and that she did not consent to the sexual intercourse.”

37. As previously noted by the Chamber in its First Decision on Adjudicated Facts, if a proposed fact contains only a minor inaccuracy or ambiguity, it is within the Chamber's discretion to correct such inaccuracy or ambiguity, as long as the resultant correction accurately reflects the fact adjudicated in the original judgement.<sup>69</sup> This applies not only to typographical errors but also to other inaccuracies which can be corrected having regard to either the original judgement or the surrounding facts proposed in the motion.<sup>70</sup> In order to render the relevant proposed facts consistent in every respect with the factual adjudication made in the original Trial Judgements, the Chamber has corrected minor errors in the following proposed facts:

- Proposed fact 412 shall read as follows: "In September 1991, it was announced that several Serb Autonomous Regions in Bosnia and Herzegovina had been proclaimed, **including Krajina.**"
- Proposed fact 487 shall read as follows: "**In the second half of 1991**, TO units in predominantly Muslim and Croat areas of Bosnia and Herzegovina **were largely** disbanded by the JNA."
- Proposed fact 537 shall read as follows: "The military and civilian police were responsible for the implementation of decisions on disarmament. In accordance with **the** decision of 18 May 1992, the chief of the CSB, Stojan Župljanin, ordered all SJBs to report back to the CSB on the disarmament operations. The order contained detailed instructions on the expected contents of the report. The municipal SJBs, as ordered, reported back to the CSB on the operations implemented in their respective areas of control."
- Proposed fact 539 shall read as follows: "The disarmament of Bosnian Muslims and Bosnian Croats throughout the ARK created an imbalance of arms and weapons favouring the Bosnian Serbs in the Bosnian Krajina, a situation amplified by **the fact that the Bosnian Serb population** was arming itself at the same time on a massive scale."
- Proposed fact 582 shall read as follows: "In response to a written request by Merhamet, a local Bosnian Muslim organisation, to the command of the 1<sup>st</sup> KK, between 110-120 detainees, amongst them underage, elderly and sick detainees, were released around 10 July 1992. In August and September 1992, more detainees were released. In December

<sup>69</sup> *Popović* Decision, para. 10; *cf.* First Decision on Adjudicated Facts, para. 22.

<sup>70</sup> *See Stanišić* Decision, para. 38, and First Decision on Adjudicated Facts, para. 22.

1992, Manjača camp was closed and the **ICRC took care** of the detainees that were released.”

- Proposed fact 658 shall read as follows: “The **villages of Blagaj Rijeka and Blagaj Japra were** shelled in May 1992. After the shelling, military tanks carrying flags with the symbol of the SerBiH entered the village of Blagaj Japra. Bosnian Serb soldiers took valuables and money from the villagers of Blagaj Rijeka and Blagaj Japra. Houses in the village of Blagaj Rijeka were set on fire.”
- Proposed fact 741 shall read as follows: “Sometime between 8.30 and 10.00 am on 8 April 1992, the main Serb attack on Foča town began, with a combination of infantry fire and shelling from artillery weapons in nearby Kalinovik and **Miljevina**. Serb forces included local soldiers as well as soldiers from Montenegro and Yugoslavia, and in particular a paramilitary formation known as the **White Eagles**.”
- Proposed fact 798 shall read as follows: “Dragoljub Kunarac was the leader of a permanent reconnaissance group of about 15 men (including Montenegrin soldiers), which was part of the local Foča Tactical Group or brigade. An order by the commander of the Foča Tactical Group of 7 July 1992 to break the siege of Goražde mentions an instruction to the “Independent Žaga Detachment” to participate in the mopping-up of settled areas in the direction of the **5<sup>th</sup> Battalion’s** attack.”
- Proposed fact 812 shall read as follows: “A second Muslim woman was gang-raped in the same house, while the **first** woman was being raped by the three soldiers and Dragoljub Kunarac. The **second** woman was taken to a separate room by ‘Gaga’ who ordered her to have sex with a 16-year-old boy nicknamed ‘Zuca’.”
- Proposed fact 813 shall read as follows: “**The Muslim civilians held** at Kalinovik School, Foča High School and Partizan Sports Hall were kept in unhygienic conditions and without hot water. Muslim civilians held at these locations were provided with insufficient food. 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.”
- Finally, the Chamber has corrected the spelling of the word **Mlakve** in proposed facts 628, 629, 630, 634, 636, and 641.

**[d] The fact must not be unclear or misleading  
in the context in which it is placed in the Motion**

38. Proposed facts 369, 373, 445, and 478 are challenged by the Accused on the basis that they are misleading or unclear in the context “in which they are placed.”<sup>71</sup> However, the Chamber has already determined in paragraphs 23, 24, and 27 above that it will not take judicial notice of these facts, and does not deem it necessary to deal with the aforementioned challenge.

39. While noting that the Accused has, in contrast, not challenged proposed fact 737, which states that “[t]he SDS political propaganda grew more aggressive, and the outbursts of violence and house-burning more frequent”, the Chamber is not satisfied that it meets the requirement dealt with under the current heading. The Chamber is mindful that it is essential to have regard to the surrounding proposed facts in the Motion when assessing whether a particular fact is unclear or misleading,<sup>72</sup> but notes that the facts precedent to fact 737 in the Motion exclusively deal with the phase immediately before the violent outbreak of the conflict, and do not mention any outbursts of violence or house-burning. Thus, it is unclear how such events could grow “more frequent.” Accordingly, the Chamber will not take judicial notice of proposed fact 737.

**[e] The fact must be identified with adequate precision by the moving party**

40. The Accused submits that certain proposed facts are “not properly cited”,<sup>73</sup> are “an uncited conclusion of the Trial Chamber”,<sup>74</sup> or that the relevant witness testimony has been taken in closed session and has been redacted in the transcripts.<sup>75</sup> The Chamber understands these arguments as directed against the possibility for the Accused to identify the respective proposed facts. However, recalling its First and Third Decisions on Adjudicated Facts, the Chamber finds that whether a factual finding is identifiable or not is not dependant on the possibility of being able to trace it back to an original source as, for example, a witness statement that has been given in public session.<sup>76</sup> The Chamber is therefore satisfied that requirement [e] of the test is met as long as the fact can be identified in the original judgement. Additionally, the Chamber reiterates that it is not the task of the Chamber to assess whether another Trial Chamber has properly edited the text or the footnotes of its judgement.<sup>77</sup>

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<sup>71</sup> Response, para. 10.

<sup>72</sup> *Popović* Decision, para. 8.

<sup>73</sup> See the challenges to proposed fact 553 in Annex A to the Response.

<sup>74</sup> See the challenges to proposed facts 401, 1059, and 1194 in Annex A to the Response.

<sup>75</sup> See the challenges to proposed facts 921, 937, 944, and 945 in Annex A to the Response.

<sup>76</sup> See Third Decision on Adjudicated Facts, para. 37, and First Decision on Adjudicated Facts, para. 16.

<sup>77</sup> See Third Decision on Adjudicated Facts, para. 37, and First Decision on Adjudicated Facts, para. 16.

41. While noting that the Accused challenges proposed fact 1269 on the basis that it substantially differs from the relevant paragraph of the *Stakić* Trial Judgement, the Chamber deems it fit to deal with this fact under the current heading. It accepts the Accused's contention that proposed fact 1269 does not reflect any of the findings of the *Stakić* Trial Chamber in paragraph 277 of the *Stakić* Trial Judgement (to which the Motion refers), but is satisfied that the exact wording of proposed fact 1269 is contained in paragraph 279 of the *Stakić* Trial Judgement. The Chamber finds that, even if proposed fact 1269 is not identified correctly, this inaccuracy is a minor one. For this reason, it deems it appropriate to disregard the inaccuracy, and to take judicial notice of proposed fact 1269, as long as the remaining requirements of the test set forth under paragraph 16 above are met.

42. In contrast, the Chamber considers that proposed facts 490 and 1298 do not meet requirement [e]. In relation to proposed fact 490, the Motion refers to paragraph 120 of the *Tadić* Trial Judgement. However, this paragraph does not contain any information relevant to proposed fact 490. The wording of proposed fact 490 instead reflects paragraph 593 of the *Tadić* Trial Judgement. Similarly, the wording of proposed fact 1298 is contained in paragraph 116 of the *Brđanin* Trial Judgement instead of paragraph 855, as indicated in the Motion. Although the Chamber was eventually able to identify the source of proposed facts 490 and 1298, when looking at other evidence, the fact that the paragraphs in the original judgement are not even remotely closed to the paragraphs referred to in the Motion, makes these inaccuracies of significance for purposes of the test under paragraph 16 above. The Chamber will therefore decline to take judicial notice of proposed facts 490 and 1298.

**[f] The fact must not contain characterisations or findings of an essentially legal nature**

43. The Chamber is mindful, as in its First and Third Decisions on Adjudicated Facts, that taking judicial notice of adjudicated facts does not serve the purpose of importing legal conclusions from past proceedings. While a finding is a legal conclusion when it involves interpretation or application of legal principles, many findings have a "legal aspect" in the broad sense of that term. The Chamber considers that it is necessary to determine on a case-by-case basis whether a proposed fact must be excluded because it contains findings or conclusions which are of an essentially legal nature, or whether the factual content prevails.

44. The Chamber notes the Accused's repeated submissions that several proposed facts use certain legally significant terms, namely "attack", "attacked", "attacking", "armed conflict", "civilians", "civilian population", "civilian houses", and "systematically" in such a way as to

render them essentially legal in nature.<sup>78</sup> Again, the Chamber has carefully assessed each of the disputed facts in determining whether it contains findings or conclusions of an essentially legal nature, and is satisfied that in none of the proposed facts challenged by the Accused, the above-mentioned terms are used in such a way as to render the facts essentially legal in nature. The Chamber will therefore take judicial notice of these proposed facts, as long as the remaining requirements of the test, as set out in paragraph 16 above are met.

45. While noting that the Accused has not challenged proposed facts 545, 546, 550, and 674 on the basis that they do not meet requirement [f], the Chamber finds that they contain wordings which render them essentially legal nature. In particular, proposed fact 545 states that the non-Serb population “did not leave *on their own free will*.”<sup>79</sup> Proposed fact 546 states that “[t]he measure *was intended* to dissuade the Bosnian Muslims and the Bosnian Croats leaving the territory from returning at a later stage.”<sup>80</sup> Similarly, proposed fact 550 states that “military operations were undertaken *with the specific purpose* to drive Bosnian Muslim and Bosnian Croat residents away.”<sup>81</sup> Finally, proposed fact 674 states that “Bosnian Muslim and Bosnian Croat departures were *involuntary in nature*.”<sup>82</sup> Such findings amount to legal findings pertaining to the charge of deportation, and are thus not available for judicial notice under Rule 94(B) of the Rules. Accordingly, the Chamber will not take judicial notice of proposed facts 545, 546, 550, and 674.

**[g] The fact must not be based on an agreement  
between the parties to the original proceedings**

46. The Accused has contested proposed facts 386, 509, 722, 723, and 916, on the basis that they rely upon an agreement to the original proceedings as a primary authority.<sup>83</sup> The Chamber recalls that it has been established in the Tribunal’s jurisprudence that a fact is only considered to be based on an agreement “where the structure of the relevant footnote in the original judgement cites the agreed facts between the parties as a primary source of authority”.<sup>84</sup> The Chamber has already determined that it will not take judicial notice of proposed fact 386 as set

<sup>78</sup> See the challenges to proposed facts 488, 497, 550, 551, 553, 563, 628, 629, 661, 664, 735, 736, 739, 741, 742, 746, 747, 749, 751, 753–757, 760, 765, 780, 785, 798, 813, 822, 823, 825, 831, 859, 902, 914, 921, 922, 924, 937, 939, 947, 949, 950, 952, 1024, 1034–1036, 1038, 1044, 1048, 1050, 1051, 1056–1061, 1063, 1069, 1070, 1088, 1091, 1102, 1103, 1261, 1262, 1267, 1269, 1272, 1274, 1275, 1280, 1296, 1298–1300, 1315, 1320, 1321, 1333, 1355, and 1356, in Annex A to the Response.

<sup>79</sup> Emphasis added.

<sup>80</sup> Emphasis added.

<sup>81</sup> Emphasis added.

<sup>82</sup> Emphasis added.

<sup>83</sup> Response, para. 11.

<sup>84</sup> *Perišić* Trial Decision, para. 35; *Popović* Trial Decision, para. 11; cf. Third Decision on Adjudicated Facts, para. 48.



out under paragraph 24 above. However, it finds that proposed facts 509, 722, 723, and 916 do fall under this description.<sup>85</sup> Hence, the Chamber will decline to take judicial notice of proposed facts 509, 722, 723, and 916.

**[h] The fact must not relate to the acts, conduct, or mental state of the accused**

47. The Accused does not challenge any of the proposed facts on the basis that they relate to the acts, conduct or mental state of the Accused, and the Chamber is of the view that there are no proposed facts in the Motion that deserve a discussion under this heading.

**[i] The fact must clearly not be subject to pending appeal or review**

48. The Accused similarly does not challenge any of the proposed facts on the basis that they are subject to pending appeal or review. In light of its review of the facts, the Chamber considers that requirement [i] is met by all the facts contained in the Motion.

**[j] Discretion to refuse notice**

49. The Chamber understands the Accused's submission in relation to proposed fact 1282 as directed against the consistency of the relevant findings in the original judgement with the underlying witness testimony. However, it again re-iterates that whether a factual finding can be taken judicial notice of is not dependant on being able to trace it back to an original source,<sup>86</sup> and finds that it is not the task of the Chamber to assess whether another Trial Chamber has properly edited the text of its judgement. For this reason, the Chamber rejects the argument raised by the Accused with respect to proposed fact 1282.

50. The Chamber has also used its discretion when analysing proposed fact 516, which states that "[t]he 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, the most relevant in this case being the Banja Luka Security Services Centre (CSB)." The Chamber considers that the last part of the fact's second sentence clearly

<sup>85</sup> Proposed fact 509 were based on "agreed facts", see *Blagojević and Jokić* Trial Judgement, para. 37, footnotes 91 and 93, cf. *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Decision for Prosecution Motion for Judicial notice of Adjudicated Facts and Documentary Evidence, 18 December 2003, paras. 60–61. Proposed facts 722 and 723 were based on "matters not in dispute", see *Krnjelac* Trial Judgement, para. 13, footnote 4; cf. *Prosecutor v. Krnjelac*, Case No. IT-97-25-T, Prosecutor's Submission Related to Rule 65 ter(E)(ii) and (iii), 16 October 2000, para. 4. Proposed fact 902 was based on "matters agreed to by [both] accused" in the *Kunarac* case, see *Kunarac* Trial Judgement, para. 577, footnote 1369; cf. *Prosecutor v. Kunarac et al.*, Case No. IT-96-23-T&IT-96-23/1-T, Prosecution Submission Regarding Admissions and Contested Matters, 1 February 2000, p. 4, point 3; Prosecution Submission Regarding Admissions and Contested Matters Regarding the Accused Zoran Vukovic, 8 March 2000, p. 4, point 3. Proposed fact 1364 was based on "Admissions by the Parties and Matters which are not in Dispute", see *Vasiljević* Trial Judgement, para. 39, footnote 50.

<sup>86</sup> See Third Decision on Adjudicated Facts, para. 37, and First Decision on Adjudicated Facts, para. 16.

relates to the *Kvočka et al.* Case, and could cause confusion in the context of the current proceedings. Hence, the Chamber deems it fit to exercise its discretion to decline to take judicial notice of the wording “the most relevant in this case being the Banja Luka Security Services Centre (CSB)” at the end of proposed fact 516.

51. Furthermore, the Chamber notes that proposed fact 505 does not go beyond the content of proposed fact 506, and will therefore not take judicial notice of proposed fact 505 in order to avoid repetition.<sup>87</sup>

52. Additionally, the Chamber notes the Accused’s contention that he does not have access to some of the evidentiary material upon which the original judgements referred to in the Motion were based.<sup>88</sup> However, he has been granted access to confidential materials in all the cases relevant to this challenge.<sup>89</sup> Furthermore, recalling its First Decision on Adjudicated Facts, the Chamber considers that the Accused will have the opportunity to challenge the adjudicated facts that will be judicially noticed, using the background material available to him.<sup>90</sup> Therefore, the Chamber rejects the Accused’s argument and will not exercise its discretion to deny judicial notice of the facts in question.

53. With respect to the Accused’s contention that the cumulative effect of taking judicial notice of a large number of adjudicated facts and admission of a large number of written evidence violates his presumption of innocence and denies his right to a fair trial, the Chamber recalls its “Decision on Prosecution Motion for Admission of Testimony of Witness KDZ198 and Associated Exhibits pursuant to Rule 92 *quater*”, filed on 20 August 2009 (“Decision on KDZ198”). Therein it stressed that judicial notice can only be taken of adjudicated facts that do not go to the acts and conduct of an accused, and recalled the Appeals Chamber’s ruling that judicially noticed adjudicated facts are merely presumptions which can be rebutted by the

<sup>87</sup> Proposed fact 505 states that “[t]he weapons and equipment with which the new VRS was armed were those that the units had when part of the JNA”. Proposed fact 506 states that “[t]he VRS inherited both officers and men from the JNA and also substantial arms and equipment, including over 300 tanks, 800 armoured personnel carriers and over 800 pieces of heavy artillery. The remainder of the former JNA was to become the army of the new Federal Republic of Yugoslavia (Serbia and Montenegro), known as the VJ.”

<sup>88</sup> See Response, para. 13, and the challenges to proposed facts 869–871, 875–883, 885–889, 891–901, 903–908, 911–914, 921–927, 930, 931, 940, 946, 947, 950, 953, 1037, 1038, 1047, 1049–1052, 1054, 1055, 1061, 1063, 1065, 1066, 1068–1077, 1081, 1102, 1109, 1110, 1115, 1122, 1127, 1135, 1147, 1154, 1156–1158, 1168–1170, 1183–1186, 1188, 1195, 1197, 1200, 1202, 1204, 1205, 1211, 1213, 1215, 1218, 1220, 1221, 1227, 1228, 1236–1238, 1240, 1242–1249, 1251, 1253, 1255, 1264, 1265, 1277–1281, 1284, 1286–1291, 1296, 1299, 1300, 1306–1308, 1311–1315, 1320–1322, 1326, 1329–1331, 1335–1338, 1340, 1344, 1345, 1354, 1355, 1357, and 1358, in Annex A to the Response.

<sup>89</sup> See Decision on Access to Confidential Materials in Completed Cases, 5 June 2009, para. 32. The Chamber notes that this decision did not grant the Accused access to confidential materials in the *Martic*, *Mrkšić*, and *Čelibić* cases, but considers that the challenge raised by the Accused on the aforementioned basis does not relate to any fact that has been established in one of these judgements.

<sup>90</sup> See First Decision on Adjudicated Facts, para. 37.

defence during trial.<sup>91</sup> With respect to the admission of written evidence under Rule 92 *bis*, the Chamber further found that it will assess, on a case by case basis, whether the probative value of proposed Rule 92 *bis* evidence is substantially outweighed by the need to ensure a fair trial and that, if so, it will decline to admit such evidence.<sup>92</sup> The Chamber re-iterates this line of argument in the present decision, and considers that neither taking judicial notice of adjudicated facts nor admitting written evidence under Rule 92 *bis* shifts the burden of proof to the Accused. In contrast, the burden of proof remains firmly with the Prosecution.<sup>93</sup> Therefore, the Accused's argument that the cumulative effect of taking judicial notice of a large number of adjudicated facts and admission of a large number of written evidence violates the presumption of innocence and denies him the right to a fair trial, should be dismissed.

#### IV. Disposition

54. Accordingly, the Trial Chamber, pursuant to Rules 54 and 94(B) of the Rules, hereby **GRANTS** the Motion in part, and decides as follows:

- The Trial Chamber takes judicial notice of the adjudicated facts in the Annex attached to this decision, in the manner formulated therein;
- The following adjudicated facts proposed in the Motion are denied judicial notice: 344–357, 359–362, 364–392, 399, 401, 418, 423–484, 490, 505, 507–509, 513, 545, 546, 550, 556–561, 581, 594–627, 648–656, 674–723, 726, 736, 737, 762, 802, 916, 945, 957–1001, 1298, and 1361–1392.

Done in English and French, the English text being authoritative.

  
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 Judge O-Gon Kwon  
 Presiding

Dated this ninth day of October 2009  
 At The Hague  
 The Netherlands

**[Seal of the Tribunal]**

<sup>91</sup> See Decision on KDZ198, para. 9; cf. *Karemera* Appeal Decision, para. 42.

<sup>92</sup> See Decision on KDZ198, para. 8.

<sup>93</sup> Cf. *Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on Prosecution's Motion for Judicial Notice of Facts Relevant to the Srebrenica Crime Base, 22 September 2008, paras. 21–23, 39–42.

ANNEX

Proposed Fact No.	Adjudicated Fact	Source
<b>SECTION I: HISTORICAL BACKGROUND</b>		
<b>1. Pre-World War II</b>		
344.	For centuries the population of Bosnia and Herzegovina, more so than any other republic of the former Yugoslavia, has been multi-ethnic.	<i>Tadić</i> TJ, para. 25.
345.	Centuries ago, Serbs were encouraged to settle along what is now the northern and western boundaries of Bosnia and Herzegovina, which at that time formed the military frontier between the Austro-Hungarian Empire and its predecessors, and that of the Ottoman Turks.	<i>Tadić</i> TJ, para. 56.
346.	The large Muslim population of Bosnia and Herzegovina owes its religion and culture, and hence its identity, to the long Turkish occupation, during which time many Slavs adopted the Islamic faith.	<i>Tadić</i> TJ, para. 56.
347.	The third ethnic population living in Bosnia and Herzegovina, also sizeable, are the Croats, living principally in the south-west adjacent to Croatia's Dalmatian coast.	<i>Tadić</i> TJ, para. 56.
348.	Immediately after the First World War, and as part of the break-up of the Habsburg empire, the Kingdom of Serbs, Croats and Slovenes was created out of the union of the Kingdom of Serbia, which in the nineteenth century had already achieved independence from Turkey, with Montenegro, which had also been an independent principality, and with Croatia, Slovenia, and Bosnia and Herzegovina.	<i>Tadić</i> TJ, para. 58.
349.	In 1929 that Kingdom changed its name to the Kingdom of Yugoslavia, that is, the Kingdom of the southern Slavs.	<i>Tadić</i> TJ, para. 58.
350.	For many centuries Roman Catholicism had predominated in the northern and western sectors, whereas Orthodox Christianity and Islam prevailed in its southern and eastern sectors under the rule of the Ottoman Empire. This same general religious division persisted into this century and indeed still persists.	<i>Tadić</i> TJ, para. 58.
<b>2. World War II</b>		
351.	During the time of Axis occupation, a portion of the territory of the state was annexed by Italy and two other areas were transferred to Bulgarian and Hungarian control respectively. Much of what remained became the formally independent but in fact Axis puppet state of Croatia, extending far beyond previous, and subsequent, Croatian boundaries and divided between Italian and German zones.	<i>Tadić</i> TJ, para. 60.
352.	The Second World War was a time of prolonged armed conflict in Yugoslavia, in part the product of civil war, in part a struggle against foreign invasion and subsequent occupation.	<i>Tadić</i> TJ, para. 61.
353.	Although this wartime situation was short lived, lasting only from 1941 to 1945, it left bitter memories, not least in Bosnia and Herzegovina, large parts of which, including the Prijedor municipality, were included in the puppet state of Croatia.	<i>Tadić</i> TJ, para. 61.

Proposed Fact No.	Adjudicated Fact	Source
354.	<del>Three distinct Yugoslav forces each fought one another during the Second World War: the Ustaša forces of the strongly nationalist Croatian State, supported by the Axis powers, the Chetniks, who were Serb nationalist and monarchist forces, and the Partisans, a largely communist and Serb group.</del>	<i>Tadić</i> TJ, para. 61.
355.	<del>Although none of these three Yugoslav forces was predominantly Muslim, Muslims were to be found in the ranks of both the Ustaša and the Partisans.</del>	<i>Tadić</i> TJ, para. 61.
356.	<del>Many of the hard fought and bloody conflicts of the Second World War in Yugoslavia took place in Bosnia and Herzegovina.</del>	<i>Tadić</i> TJ, para. 62.
357.	<del>Many of the outrages against civilians during the Second World War, especially though by no means exclusively by Ustaša forces against ethnic Serbs, took place in Bosnia and Herzegovina, particularly in the border area between Croatia and Bosnia and Herzegovina, where the Partisans were especially active.</del>	<i>Tadić</i> TJ, para. 62.
<b>3. Post-World War II</b>		
358.	Following World War II in opština Prijedor, particularly in rural areas, the three ethnic groups, Serbs, Croats and Muslims, tended to live separately so that in very many villages one or another nationality so predominated that they were generally regarded as Serb or Croat or Muslim villages.	<i>Tadić</i> TJ, para. 64.
359.	<del>During the post war years until 1991, intercommunal relations in opština Prijedor were relatively good, with friendships across ethnic and coincident religious divides, of intermarriages and of generally harmonious relations.</del>	<i>Tadić</i> TJ, para. 64.
360.	<del>Marshal Tito and his communist regime took stern measures to suppress and keep suppressed all nationalist tendencies.</del>	<i>Tadić</i> TJ, para. 65.
361.	<del>Under its Constitution of 1946, the country was to be composed of six Republics: Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia, and Montenegro and two autonomous regions, Vojvodina and Kosovo.</del>	<i>Tadić</i> TJ, para. 65.
362.	<del>According to the 1946 Yugoslav Constitution, the peoples of the Republics, other than Bosnia and Herzegovina, were regarded as distinct nations of federal Yugoslav.</del>	<i>Tadić</i> TJ, para. 65.
363.	The situation of Bosnia and Herzegovina was unique; although it was one of the six Republics, it, unlike the others, possessed no one single majority ethnic grouping and thus there was no recognition of a distinct Bosnian nation.	<i>Tadić</i> TJ, para. 65.
364.	<del>However, by 1974 the Muslims were considered to be one of the nations or peoples of federal Yugoslavia.</del>	<i>Tadić</i> TJ, para. 65.
365.	<del>Throughout the years of Marshal Tito's communist Yugoslavia, religious observance was discouraged. Nevertheless, the population remained very conscious of so-called ethnic identity, as Serb, Croat or Muslim.</del>	<i>Tadić</i> TJ, para. 66.
366.	Today, in Bosnia and Herzegovina, whether practising or non-practising, the great majority of Serbs remain Orthodox Christian and the Croats Roman Catholic, while the title Muslim speaks for itself.	<i>Tadić</i> TJ, para. 67.

Proposed Fact No.	Adjudicated Fact	Source
367.	Post-war Yugoslavia was, at first, a highly centralist State, with substantial power exercised federally from Belgrade.	<i>Tadić</i> TJ, para. 68.
368.	Then, in the 1960s and on into the 1970s, there was a trend towards devolution of power to the governments of the Republics, a trend enhanced by a new Constitution adopted in 1974 and which continued on into the 1980s.	<i>Tadić</i> TJ, para. 68.
369.	With Tito's death in 1980 and the escalation of a serious economic crisis, cracks began to appear in the unity of the federal state.	<i>Čelibići</i> TJ, para. 96.
<b>4. The Disintegration of the Socialist Federal Republic of Yugoslavia</b>		
370.	Yugoslavia had long pursued its own unique system of socialist self-management which set it apart from the rest of the communist world. During the 1980s this system came to be widely regarded as responsible for Yugoslavia's protracted economic crisis.	<i>Tadić</i> TJ, para. 70.
371.	Towards the end of the 1980s, the economic crisis in Yugoslavia developed into a major political one.	<i>Tadić</i> TJ, para. 70.
372.	In 1988, a sweeping reform of the political and constitutional scene occurred. The whole structure of socialist self-management, entrenched as it had been in the federal Constitution, was abolished. The many constitutional references to the Yugoslav working class as the political actors and possessors of political power were removed and the leading political role of the League of Communists was brought to an end.	<i>Tadić</i> TJ, para. 71.
373.	Marshal Tito's death in 1980 and the rapid disintegration of the ruling League of Communists of Yugoslavia in the first months of 1990 resulted in a power vacuum and the emergence of national parties throughout the country.	<i>Stakić</i> TJ, para. 25.
374.	In the mid to late 1980s, the Republic of Serbia had already begun measures to deprive Yugoslavia's two autonomous provinces, Vojvodina and Kosovo, of their separate identity and effectively to incorporate them into the Republic. This it achieved in substance in 1990, thereby ending what Serbs regarded as a discriminatory feature of the federation, that the one entire nation of Serbs, consisting of Serbia and the two provinces, was, alone of the Republics, denied a single, united identity.	<i>Tadić</i> TJ, para. 69.
375.	Kosovo is part of the historical homeland of the Serbs of past centuries and has particular significance for present day Serbs who regarded its autonomy as a province to be especially hurtful, depriving Serbia of coherent statehood and control over what it considered to be ancestral Serbian territory.	<i>Tadić</i> TJ, para. 69.
376.	In 1989 at the fourteenth Congress of the League of Communists, Serbian delegates also sought to alter to the advantage of more populous Republics such as Serbia a fundamental feature of the Constitution, that of the voting equality of Republics, substituting for it the one person one vote principle. This caused the resignation of the Slovenian leadership from the League and a walkout from the Congress of the representatives of Croatia and of Bosnia and Herzegovina.	<i>Tadić</i> TJ, para. 72.

Proposed Fact No.	Adjudicated Fact	Source
377.	Slobodan Milošević, already a powerful political figure in Serbia as a party chief, spoke at a mass rally at the site of the Kosovo battlefield itself.	<i>Tadić</i> TJ, para. 72.
378.	Slobodan Milošević's speech greatly enhanced his role as the charismatic leader of the Serb people in each of the Republics, after which he rapidly rose in power.	<i>Tadić</i> TJ, para. 72.
379.	In 1989 Slovenia formally amended the Republic's Constitution to empower the Slovene Assembly to take measures to protect the Republic's status and rights from violation by organs of the federation. This amendment was declared unconstitutional by Yugoslavia's constitutional court.	<i>Tadić</i> TJ, para. 73.
380.	In December 1989 Slovenia chose to ignore the decision of the court. In the following 18 months other Republics increasingly ignored federal authority.	<i>Tadić</i> TJ, para. 73.
381.	In May 1990, a new government was elected into office in Slovenia after its first multi-party elections.	<i>Čelibići</i> TJ, para. 98.
382.	In December 1990, a plebiscite was held in Slovenia, resulting in an overwhelming majority vote for independence from Yugoslavia.	<i>Tadić</i> TJ, para. 73.
383.	In Croatia the elections of 1990 produced a strongly nationalistic government led by Franjo Tuđman who, upon assuming power, amended the Republic's Constitution to recreate Croatia as the national state of the Croatian nation, with citizens of other ethnic groups as minorities, not having the status of nations.	<i>Tadić</i> TJ, para. 74.
384.	It was also decided that a referendum was to be held on the question: "[a]re you in favour of the annexation of the SAO Krajina to the Republic of Serbia on the 30 <sup>th</sup> of April?"	<i>Martić</i> TJ, para. 133.
385.	The President of Serbia, Slobodan Milošević, publicly opposed the referendum on joining the SAO Krajina with Serbia, stating that the ballot would have to read instead "in favour of remaining in Yugoslavia"; moreover, he asked that the decision on the annexation of the SAO Krajina to Serbia, be withdrawn.	<i>Martić</i> TJ, para. 133.
386.	On 16 May 1991, the Assembly of the SAO Krajina approved the outcome of the referendum and stated that "the territory of the SAO Krajina is a constitutive part of the unified state territory of the Republic of Serbia".	<i>Martić</i> TJ, para. 134.
387.	A plebiscite in Croatia in May 1991 produced an overwhelming majority for independence.	<i>Tadić</i> TJ, para. 74.
388.	Just before the holding of the Croatian plebiscite, Serbia and Montenegro, aided by the votes of the two formerly autonomous provinces now controlled by Serbia, blocked for a time the customary rotation of the collective Presidency of the federation, preventing the appointment of a Croat whose turn it was, according to the convention, to be President of the federation.	<i>Tadić</i> TJ, para. 75.
389.	On 25 June 1991 Slovenia and Croatia declared their independence from the Socialist Federal Republic of Yugoslavia.	<i>Tadić</i> TJ, para. 77.

Proposed Fact No.	Adjudicated Fact	Source
390.	In August 1991 local Serb communities made a declaration of their autonomy and purported to create the second of the new Serb ruled "mini-states" in Croatia, viz, the Serb Autonomous District ("SAO"; <i>Srpska Autonomna Oblast</i> ) of Slavonia, Baranja, and Western Srem. A "government" of the SAO was formed in September 1991.	<i>Mrkšić et al.</i> TJ, para. 32.
391.	On 1 August 1991, the SAO Krajina government decided to apply the Law on Defence of Serbia in the SAO Krajina. Accordingly, the <i>Milicija Krajine</i> units together with the TO made up the armed forces of the SAO Krajina.	<i>Martić</i> TJ, para. 137.
392.	On 30 November 1991, the SAO Krajina adopted its own Law on Defence, whereby the Law on Defence of Serbia ceased to apply in the SAO Krajina. According to the new law, the TO was "part of the unified armed forces of the [SFRY]" and the President of the SAO Krajina led "the armed forces in times of peace and in times of war."	<i>Martić</i> TJ, para. 139.
393.	In Bosnia and Herzegovina, the Parliament declared the sovereignty of the Republic on 15 October 1991.	<i>Tadić</i> TJ, para. 78.
394.	On 9 January 1992, the Serbian Republic of Bosnia and Herzegovina ("SerBiH") Assembly proclaimed the SerBiH, which on 12 August 1992 was renamed Republika Srpska ("RS"). It was composed of so-called Serbian autonomous regions and districts, which included the Autonomous Region of Krajina ("ARK").	<i>Brđanin</i> TJ, paras. 71, 2.
395.	In early 1992, the SDA increased the pressure to secure the independence of the Socialist Republic of Bosnia and Herzegovina. A referendum on the question of independence was held on 29 February and 1 March 1992. It was largely boycotted by the Bosnian Serbs and yielded an overwhelming majority of votes in favour of independence.	<i>Brđanin</i> TJ, paras. 63, 54
396.	The European Community and the United States of America recognised the independence of the Republic of Bosnia and Herzegovina in April 1992.	<i>Tadić</i> TJ, para. 78.
397.	The Republic of Bosnia and Herzegovina was admitted as a State member of the United Nations, following decisions adopted by the Security Council and the General Assembly, on 22 May 1992, two days before the shelling and take-over of Kozarac.	<i>Tadić</i> TJ, para. 563.
398.	Even before 22 May 1992, the Republic of Bosnia and Herzegovina was an organised political entity, as one of the republics of the Socialist Federal Republic of Yugoslavia, having its own republican secretariat for defence and its own TO.	<i>Tadić</i> TJ, para. 563.
399.	<del>Serbia and Montenegro meanwhile continued to support the concept of a federal state, no longer under its old name, but to be called the Federal Republic of Yugoslavia and wholly Serb dominated, consisting only of Serbia and Montenegro; it was formally established in April 1992. This completed the dissolution of the former Socialist Federal Republic of Yugoslavia.</del>	<i>Tadić</i> TJ, para. 79.
400.	What had taken the place of state socialism in Yugoslavia were the separate nationalisms of each of the Republics of the former Yugoslavia, other than Bosnia and Herzegovina, which alone possessed no single national majority.	<i>Tadić</i> TJ, para. 79.



Proposed Fact No.	Adjudicated Fact	Source
401.	<del>After the disintegration of the former Yugoslavia began, the theme of the Serb-dominated media was that "if for any one reason Serbs would become a minority population . . . their whole existence could be very perilous and endangered . . . [and therefore] they had no choice but a full-scale war against everyone else, or to be subjected to the old type concentration camp, the symbol being Jasenovac."</del>	<i>Tadić</i> TJ, para. 88.
<b>5. Political Facts on BiH</b>		
402.	The former Socialist Republic of Bosnia and Herzegovina was divided into territorial units of self-management which were possessed of a certain level of autonomy. Each of these municipalities (opština) were 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. In Bosnia and Herzegovina there were 109 such municipalities.	<i>Čelibići</i> TJ, para. 120.
403.	In 1990 the first free, multi-party elections were held in Bosnia and Herzegovina, for both municipal assemblies and for the Republican Legislature.	<i>Tadić</i> TJ, para. 81.
404.	The most prominent political parties in Bosnia and Herzegovina were the Muslim Party of Democratic Action ("SDA"), the Serb Democratic Party ("SDS") and the Croat Democratic Union ("HDZ").	<i>Tadić</i> TJ, para. 81.
405.	In both ballots the SDA party gained a narrow margin over the SDS.	<i>Tadić</i> TJ, para. 81.
406.	The outcome of the elections was, in effect, little more than a reflection of an ethnic census of the population with each ethnic group voting for its own nationalist party.	<i>Tadić</i> TJ, para. 81.
407.	A census in April 1991 recorded that 43.7 percent of the residents of Bosnia and Herzegovina were ethnic Muslims, 32.4 percent were Serbs and 17.3 percent were Croats.	<i>Stakić</i> TJ, para. 29.
408.	After the elections in Bosnia and Herzegovina held in November 1990, a coalition government was thus formed headed by a seven member State Presidency, with the leader of the SDA, Alija Izetbegović, as the first President.	<i>Čelibići</i> TJ, para. 99.
409.	In the Republican Assembly, co-operation between the Muslim and Serbian political parties proved increasingly difficult as time went by. What was initially a coalition government of the Republic broke down in October 1991 and failed completely in January 1992.	<i>Tadić</i> TJ, para. 82.
410.	The disintegration of multi-ethnic federal Yugoslavia was thus swiftly followed by the disintegration of multi-ethnic Bosnia and Herzegovina, and the prospect of war in Bosnia and Herzegovina increased.	<i>Tadić</i> TJ, para. 83.
411.	Further, the Bosnian Serbs retained vivid memories, albeit now some 50 years old, of their suffering at the hands of the Croats during the Second World War.	<i>Tadić</i> TJ, para. 83.

<b>Proposed Fact No.</b>	<b>Adjudicated Fact</b>	<b>Source</b>
412.	In September 1991, it was announced that several Serb Autonomous Regions in Bosnia and Herzegovina had been proclaimed, including Krajina.	<i>Kvočka et al.</i> TJ, para. 11.
413.	The Bosnian Serb deputies of the BiH parliament proclaimed a separate Assembly of the Serb Nation on 24 October 1991.	<i>Tadić</i> TJ, para. 78.
414.	In March 1992, the Assembly of Serbian People of Bosnia and Herzegovina promulgated the Constitution of the Serb Republic of Bosnia and Herzegovina and proclaimed itself a distinct republic.	<i>Tadić</i> TJ, para. 102.
<b>SECTION II: THE JNA, VRS, SERBIAN MUP AND BOSNIAN SERB MUP</b>		
<b>1. General Facts Relating to the JNA</b>		
415.	A defence system known as "All People's Defence" (or "Total National Defence") was devised to protect the Socialist Federal Republic of Yugoslavia ("SFRY") from external attack.	<i>Čelibići</i> TJ, paras. 93, 91.
416.	Prior to the break-up of the former Yugoslavia, the totality of Yugoslav armed forces included the regular army, navy and air force, collectively known as the Yugoslav People's Army ("JNA"), consisting of an officer corps, non-commissioned officers and conscripts, together with a reserve force, and, as well as and distinct from the JNA, the TO.	<i>Tadić</i> TJ, paras. 105, 76, 91.
417.	The JNA was an entirely federal force, with its headquarters in Belgrade.	<i>Tadić</i> TJ, para. 105.
418.	<del>The JNA was a powerful national army, comprised of 45,000 – 70,000 regular officers and soldiers along with 110,000 – 135,000 conscripts who served on a more short term basis, equipped with all the conventional weapons and equipment that modern European armies possess.</del>	<i>Tadić</i> TJ, para. 105.
419.	There was a distinct TO in each Republic, funded by that Republic and under the control of the Minister of Defence of that Republic.	<i>Tadić</i> TJ, para. 105.
420.	The TOs were equipped with infantry weapons, rifles, light machine-guns, some small calibre artillery, mortars, and anti-personnel mines.	<i>Tadić</i> TJ, para. 105.
421.	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.	<i>Tadić</i> TJ, para. 105.
422.	Traditionally all TO weapons were stored locally, within each municipality.	<i>Tadić</i> TJ, para. 107.
<b>2. JNA Involvement in Slovenia and Croatia</b>		
423.	<del>The independence of Slovenia and Croatia, ultimately recognised by the European Community on 15 January 1992, was challenged militarily by the JNA.</del>	<i>Tadić</i> TJ, para. 77.
424.	<del>The propaganda continued throughout the war in Croatia and Slovenia, which was fought primarily by the JNA on the one side and those seeking</del>	<i>Tadić</i> TJ, para. 90.

Proposed Fact No.	Adjudicated Fact	Source
	<del>independence on the other.</del>	
425.	<del>The change that overtook the JNA in the early 1990s is best illustrated by the change in the ethnic mix of conscripts between pre-June 1991 and early 1992. During that time, the Serb component rose from just over 35 to some 90 percent.</del>	<i>Tadić</i> TJ, para. 109.
426.	<del>Slovenia, containing very few Serbs and playing no part in the history and traditions of the Serb nation, was allowed to secede with relatively little intervention from Belgrade. The JNA was mainly intent on securing the successful withdrawal of JNA units and equipment once it became clear that Slovenia, having retained substantial supplies of arms and equipment for its TO units, would not readily succumb to such JNA forces as Belgrade was prepared to venture in an effort to retain it within the federation.</del>	<i>Tadić</i> TJ, para. 111.
427.	<del>From July 1991, after the war in Slovenia, the JNA became actively involved in conquering territory and not merely in interposing itself between rebelling Serbs and local Croat authorities as it had been in the early stages of the conflict.</del>	<i>Mrkšić</i> TJ, para. 31.
428.	<del>Bosnia and Herzegovina was a vital base for JNA operations in Croatia in the second half of 1991, and Bosnian Serbs were an important source of manpower both for the JNA and for the TO.</del>	<i>Tadić</i> TJ, para. 106.
429.	<del>In October 1991, the Government of the Republic of Croatia declared that the JNA was an invading force.</del>	<i>Tadić</i> TJ, para. 123.
430.	<del>On 25 October 1991, at a meeting of, among others, Slobodan Milošević, Veljko Kadijević and Blagoje Adžić the Chief of the General Staff of the JNA, Slobodan Milošević stated that "we have helped Šthe Serbs in Croatia] abundantly and Šwe] will continue to do so until the end."</del>	<i>Martić</i> TJ, para. 331.
431.	<del>Throughout 1992, 1993 and 1994, the Republic of Serbian Krajina ("RSK") leadership, including Milan Martić, requested financial, logistical and military support from Serbia on numerous occasions, including directly from Slobodan Milošević. Most of these requests were fulfilled, and support was given to the RSK Ministry of Interior ("MUP") and to the TO and the RSK Army ("SVK"). In January 1992, Milan Martić stated that cooperation with Serbia never ceased and was good.</del>	<i>Martić</i> TJ, paras. 159, 2, 4-5.
432.	<del>On 28 April 1992, Special Police ("PJM") Brigades and a PJM Administration were established within the RSK Ministry of Defence by the SSNO of Serbia. General Borislav Đukić, a JNA officer, was appointed Chief of the PJM Administration.</del>	<i>Martić</i> TJ, para. 152.
<b>b. The JNA in Croatia: SAO Krajina</b>		
433.	<del>In March 1991 there were armed clashes in Pakrac and in Plitvice between Croatian MUP special police forces and the police of the SAO Krajina. On both occasions, the JNA intervened after these clashes to separate the two sides.</del>	<i>Martić</i> TJ, para. 162.

Proposed Fact No.	Adjudicated Fact	Source
434.	Beginning at the end of April 1991, Dušan Smiljanić, Chief of Security of the JNA 10th Zagreb Corps, made contact with leading figures in the SDS in the SAO Krajina and provided large amounts of infantry and artillery weapons to Serbs in Krajina from JNA depots.	<i>Martić</i> TJ, para. 141.
435.	The SFRY Federal Secretariat of National Defence of the JNA ("SSNO") made unit and personnel changes within the SAO Krajina armed forces.	<i>Martić</i> TJ, para. 142.
436.	In mid July 1991, the town of Glina, located in the Banija area north-west of Dvor, was attacked by a unit under the command of Captain Dragan Vasiljković. The JNA intervened after the attack by creating a buffer zone.	<i>Martić</i> TJ, para. 165.
437.	On 25 July 1991, the village of Struga, a few kilometres north of Dvor along the Una river, was attacked by units under the command of Captain Dragan Vasiljković and the Glina War Staff: 50 members of a "special forces" unit, 50 policemen and 700 civilians participated in the operation. Following the attack, the JNA intervened and created a buffer zone.	<i>Martić</i> TJ, para. 165.
438.	In August 1991, Croat civilians were displaced from the areas of Knin and Glina to areas under Croatian control.	<i>Martić</i> TJ, para. 426.
439.	Beginning with the armed attack on the predominantly Croat village of Kijevo in August 1991, the SAO Krajina MUP and TO forces cooperated with the JNA. As of this point in time, the JNA was firmly involved on the side of the SAO Krajina authorities in the struggle to take control of territory in order to unite predominantly Serb areas.	<i>Martić</i> TJ, para. 443.
440.	From at least 26 August 1991 until early 1992, several predominantly Croatian villages were attacked by forces of the TO and the police forces of the SAO Krajina and of the JNA acting in cooperation.	<i>Martić</i> TJ, para. 443.
441.	These attacks followed a generally similar pattern, which involved the killing and the removal of the Croat population.	<i>Martić</i> TJ, para. 443.
442.	After these attacks, widespread crimes of violence and intimidation and crimes against private and public property were perpetrated against the Croat population, including detention in facilities run by MUP forces of the SAO Krajina and the JNA.	<i>Martić</i> TJ, para. 443.
443.	On 26 August 1991, the Croat village of Kijevo, situated 15 kilometres east of Knin, was attacked because the MUP of Croatia had established a Public Security Station ("SJB") in the village.	<i>Martić</i> TJ, paras. 166, 1.
444.	Units of the JNA 9th Corps in Knin, the Milicija Krajine and the local TO participated in the attack on Kijevo.	<i>Martić</i> TJ, para. 167.
445.	Private houses in Kijevo were looted and torched.	<i>Martić</i> TJ, para. 169.
446.	On 28 August 1991, TG 1 of the JNA 9th Corps also attacked the mixed Croat and Serb village of Vrlika, located south of Knin near Kijevo.	<i>Martić</i> TJ, para. 170.
447.	After the attack, an SJB of the SAO Krajina MUP was established in Vrlika. Subsequently, members of this SJB indirectly participated in the widespread	<i>Martić</i> TJ, para. 170.

Proposed Fact No.	Adjudicated Fact	Source
	looting by allowing lorries carrying looted goods to proceed towards Knin.	
448.	On 16 September 1991, Drniš, which is located near Knin and at the time was 75% Croat, was attacked by forces and artillery of TG 1 of the JNA 9th Corps. During the attack, and the following days, the centre of Drniš was almost completely destroyed.	<i>Martić</i> TJ, para. 171.
449.	Widespread looting was committed by members of the JNA and the MUP and by local citizens.	<i>Martić</i> TJ, para. 171.
450.	From August 1991 and into early 1992, forces of the TO and the police of the SAO Krajina and of the JNA attacked Croat majority villages and areas, including the villages of Hrvatska Kostajnica, Cerovljani, Hrvatska Dubica, Baćin, Saborsko, Poljanak, Lipovača, Škabrnja and Nadin. The displacement of the non-Serb population which followed these attacks was not merely the consequence of military action, but the primary objective of it.	<i>Martić</i> TJ, para. 427.
451.	After the fighting had subsided, acts of killing and violence would be committed by the forces against the civilian non-Serb population who had not managed to flee during the attack.	<i>Martić</i> TJ, para. 427.
452.	Houses, churches and property would be destroyed in order to prevent their return and widespread looting would be carried out.	<i>Martić</i> TJ, para. 427.
453.	In some instances the police and the TO of the SAO Krajina organised transport for the non-Serb population in order to remove it from SAO Krajina territory to locations under Croatian control.	<i>Martić</i> TJ, para. 427.
454.	Members of the non-Serb population would be rounded up and taken away to detention facilities, including in central Knin, and eventually exchanged and transported to areas under Croatian control.	<i>Martić</i> TJ, para. 427.
455.	The non-Serb population did not have a genuine choice in their displacement.	<i>Martić</i> TJ, para. 427.
456.	Widespread acts of violence and intimidation intensified against the non-Serb population and became pervasive throughout the RSK territory from 1992 to 1995. These acts were committed by members of the TO and the police of the RSK, and of the JNA, as well as members of the local Serb population, and created such a coercive atmosphere that the Croat and other non-Serb inhabitants of the RSK were left with no option but to flee.	<i>Martić</i> TJ, para. 444.
<b>c. The JNA in Croatia: Vukovar</b>		
457.	Vukovar is located in Eastern Slavonia, current day Croatia, on the western bank of the Danube River. The river marks the border between Croatia and Serbia. The municipality of Vukovar ranges from Ilok, southeast of the city of Vukovar, on the Danube, to Osijek, northwest of Vukovar.	<i>Mrkšić</i> TJ, para. 17.
458.	On 25 August 1991 the siege of Vukovar commenced. By the late summer or early autumn of 1991 the city of Vukovar was effectively surrounded and besieged by JNA and other Serb forces. A large number of JNA, TO and paramilitary units, including Serb volunteers took part in the battle for Vukovar on the Serb side.	<i>Mrkšić</i> TJ, paras. 37, 39.

Proposed Fact No.	Adjudicated Fact	Source
459.	The system of attack employed by the JNA typically evolved along the following lines: (a) tension, confusion and fear is built up by a military presence around a village (or bigger community) and provocative behaviour; (b) there is then artillery or mortar shelling for several days, mostly aimed at the Croatian parts of the village; in this stage churches are often hit and destroyed; (c) in nearly all cases JNA ultimata are issued to the people of a village demanding the collection and the delivery to the JNA of all weapons; village delegations are formed but their consultations with JNA military authorities do not lead, with the exception of Ilok, to peaceful arrangements; with or without waiting for the results of the ultimata a military attack is carried out; and (d) at the same time, or shortly after the attack, Serb paramilitaries enter the village; what then follows varied from killing, burning and looting, to discrimination.	<i>Mrkšić</i> TJ, para. 43.
460.	From 2 October till 18 November 1991 the JNA was constantly engaged in attack operations in and around the city of Vukovar.	<i>Mrkšić</i> TJ, para. 52.
461.	On 18 November 1991 the Croatian forces finally capitulated. The defence line was abandoned.	<i>Mrkšić et al.</i> TJ, para. 54.
462.	Convoys of civilians were leaving Vukovar throughout 18, 19 and 20 November 1991.	<i>Mrkšić et al.</i> TJ, para. 160.
463.	Serb forces in the larger Vukovar area were divided into two military Operational Groups, OG South and OG North. OG South's area of responsibility included the city of Vukovar.	<i>Mrkšić</i> TJ, paras. 39, 72.
464.	On 15 October 1991 the command of the 1st Military District ("1 MD") issued an order to all units subordinated to it, including OG South, to establish "full control" within their respective zones of responsibility. Pursuant to this order, paramilitary units which refused to submit themselves under the command of the JNA were to be removed from the territory.	<i>Mrkšić et al.</i> TJ, paras. 85, 62.
465.	In respect of the joint combat operations for the liberation or capture of Vukovar, in the zone of responsibility of OG South, between 8 October 1991 and 24 November 1991 when Mile Mrkšić and his command withdrew from Vukovar, Mile Mrkšić as the commander of OG South, had the sole command of all JNA and all TO including volunteer or paramilitary units.	<i>Mrkšić et al.</i> TJ, para. 86.
466.	The single command of Mile Mrkšić over all the forces, JNA, TO and volunteer or paramilitary, in the zone of responsibility of OG South continued throughout the events in the period 18-21 November 1991, including the events at and near the hangar at Ovčara on the night of 20/21 November 1991.	<i>Mrkšić et al.</i> TJ, para. 88.
467.	190 persons whose bodies have been identified, and were found in the mass grave at Ovčara died on 20/21 November 1991 at Ovčara from trauma caused by physical violence inflicted by Serb forces, in almost every case the trauma being one or more gunshot wounds.	<i>Mrkšić et al.</i> TJ, para. 507.

Proposed Fact No.	Adjudicated Fact	Source
468.	<del>Each of these 190 persons were taken as prisoners from the Vukovar hospital on the morning of 20 November 1991 by Serb forces, via the JNA barracks at Vukovar to a hangar at the Vupik farm at Ovčara and from there, during the evening of 20/21 November 1991, to the site of the mass grave where they were killed</del>	<i>Mrkšić et al.</i> TJ, para. 507.
469.	<del>Before military police with officers of the 80th Motorised Brigade (“80 mtbr”) withdrew from Ovčara on 20 November 1991, TO members from Vukovar, including Miroљjub Vujović, Vukovar TO commander and Serb volunteers from Vukovar and other areas had gathered at Ovčara.</del>	<i>Mrkšić et al.</i> TJ, paras. 294, 74.
470.	<del>Serb TO and paramilitary forces gathered at Ovčara including members of the Petrova Gora TO and their leader Miroљjub Vujović and volunteer members of Leva Supoderica and their leader, Milan Lančuzanin, aka Kameni.</del>	<i>Mrkšić et al.</i> TJ, para. 613.
471.	<del>Vojislav Šešelј visited Vukovar on several occasions in late October and early November 1991.</del>	<i>Mrkšić</i> TJ, para. 51.
472.	<del>Members of Šešelј’s Radical Party started arriving as volunteers in the operations area of OG South approximately between 15 and 20 October 1991.</del>	<i>Mrkšić</i> TJ, para. 93.
473.	<del>Leva Supoderica was made up of local men, from the Leva or Desna Supoderica area of Vukovar, and members of Šešelј’s Radical Party.</del>	<i>Mrkšić</i> TJ, para. 93.
474.	<del>Because of its affiliation with Šešelј’s Radical Party Leva Supoderica was also referred to as the “Šešelјevci” Unit (or Šešelј’s men). It was under the command of Milan Lančuzanin, aka Kameni (“Stone Face”).</del>	<i>Mrkšić</i> TJ, para. 93.
475.	<del>An order issued by the command of OG South on 29 October 1991, inter alia, to the 1st Assault Detachment (“1 AD”) listed Leva Supoderica as one of the units incorporated in 1 AD.</del>	<i>Mrkšić</i> TJ, para. 93.
476.	<del>The troops of Željko Raznjatović, aka Arkan, a renowned paramilitary leader, fought in Vukovar.</del>	<i>Mrkšić</i> TJ, para. 225.
<b>3. The Serbian MUP</b>		
477.	<del>As early as August 1990 and through the summer of 1991, officials of the MUP of Serbia, including the Chief of the SDB, Jovica Stanišić, and an official thereof, Franko “Frenki” Simatović, met with the SAO Krajina leadership, in particular with Milan Martić, concerning the provision of financial, logistical and military assistance. From January 1991, Milan Martić went on occasion to Belgrade to meet with these officials and with Radmilo Bogdanović, the Minister of the Interior of Serbia, concerning the provision of support to the SAO Krajina.</del>	<i>Martić</i> TJ, para. 140.
478.	<del>On 1 April 1991, Milan Babić as President of the Executive Council of the SAO Krajina ordered mobilisation of the TO and volunteer units of the SAO Krajina. In the same order, Milan Babić requested the MUP of Serbia to provide technical and personnel support to the SUP of the SAO Krajina.</del>	<i>Martić</i> TJ, para. 133.
479.	<del>The police of the SAO Krajina were mainly financed with funds and material from the MUP and SDB of Serbia.</del>	<i>Martić</i> TJ, para. 141.

Proposed Fact No.	Adjudicated Fact	Source
480.	<del>In early 1991, the SUP in Knin established a training camp in Golubić, a small village located approximately 9 kilometres north of Knin, because Milan Martić wanted properly trained police officers. The training in Golubić was predominantly military in character.</del>	<i>Martić</i> TJ, paras. 144-145.
481.	<del>The training camp in Golubić was run and funded by the MUP of the SAO Krajina and by the MUP and SDB of Serbia.</del>	<i>Martić</i> TJ, para. 144.
482.	<del>Captain Dragan Vasiljković from the SDB of Serbia trained special purpose units at the Golubić camp and was paid for this service by the SDB of Serbia.</del>	<i>Martić</i> TJ, para. 144.
483.	<del>The men who had trained at Golubić set up further units and trained people in their municipalities.</del>	<i>Martić</i> TJ, para. 146.
484.	<del>Members of the Milicija Krajine were trained in Golubić.</del>	<i>Martić</i> TJ, para. 148.
<b>4. JNA involvement in BiH</b>		
485.	In September 1990, the JNA had ordered that weapons be removed from the depots under control of local TO units and moved to its own armouries. Therefore, when the tension between the ethnic groups increased, local communities throughout BiH did not have a significant number of weapons at their disposal.	<i>Brđanin</i> TJ, para. 87.
486.	By early 1992 there were some 100,000 JNA troops in Bosnia and Herzegovina with over 700 tanks, 1,000 armoured personnel carriers, much heavy weaponry, 100 planes and 500 helicopters, all under the command of the General Staff of the JNA in Belgrade.	<i>Tadić</i> TJ, para. 124.
487.	In the second half of 1991, TO units in predominantly Muslim and Croat areas of Bosnia and Herzegovina were largely disbanded by the JNA.	<i>Tadić</i> TJ, para. 106.
488.	On 6 March 1992, open conflict erupted in Bosnia and Herzegovina and the units of the JNA already present in the territory were actively involved in the fighting that took place. Reports of combat include 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 April. After Bosnia and Herzegovina's independence was recognised by the European Community on 6 April 1992, these attacks increased and intensified, especially in Sarajevo, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Prijedor and Brčko.	<i>Čelibići</i> TJ, para. 114.
489.	The JNA strengthened its presence in Bosnia and Herzegovina throughout the latter half of 1991 and into 1992 and, consequently, significant numbers of its troops were on the ground on 6 March 1992. In addition, the JNA had been providing arms and equipment to the Serb population of Bosnia and Herzegovina from 1991, who had, in turn, been organising themselves into various units and militia in preparation for combat.	<i>Čelibići</i> TJ, para. 212.
490.	<del>Prior to May 1992 the JNA had played a significant role in the training and equipping of Bosnian Serb paramilitary forces. In 1991 and on 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</del>	<i>Tadić</i> TJ, para. 120.



Proposed Fact No.	Adjudicated Fact	Source
	forces included Arkan's Serbian Volunteer Guard and various forces styling themselves as Chetniks, a name which, as has been seen, 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.	
491.	Between March and May 1992, there were several attacks and takeovers by the JNA of areas that constituted main entry points into Bosnia or were situated on major logistics or communications lines such as those in Bosanski Brod, Derventa and Bijelina, Kupres, Foča and Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko and Prijedor.	<i>Tadić</i> TJ, para. 125.
492.	On 16 April 1992, the Ministry of National Defence of the SerBiH issued a decision on the establishment of the TO as an army of the SerBiH, putting the command and control of the TO with municipal, district and regional staffs, as well as the staff of the SerBiH TO. In the same decision the Ministry of National Defence of the SerBiH declared an imminent threat of war and ordered public mobilisation of the TO in the entire territory of the SerBiH. Moreover, the formation of TO staffs in the newly established Bosnian Serb municipalities was ordered.	<i>Brđanin</i> TJ, para. 73.
493.	On 15 May 1992, the United Nations Security Council, by resolution 752, demanded that all interference from outside Bosnia and 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 and Herzegovina, or be disbanded and disarmed.	<i>Tadić</i> TJ, para. 113.
494.	During the spring of 1992, the road which went through the so-called Posavina Corridor, a predominantly Bosnian Croat strip of land in north-eastern BiH, had been blocked in the region of Doboij by Croatian forces in alliance with the forces of BiH.	<i>Martić</i> TJ, para. 154.
495.	The area was of strategic importance as it linked the Croatian and Bosnian Krajina regions with Serbia.	<i>Martić</i> TJ, para. 154.
496.	In two phases, during the summer and late autumn of 1992, a military operation known as "Koridor 92" was carried out in the Posavina Corridor.	<i>Martić</i> TJ, para. 154.
497.	As part of the operation, the whole of the Posavina area was devastated; many houses were torched and many civilians, including Croats, were killed.	<i>Martić</i> TJ, para. 154.
498.	Both phases of operation <i>Koridor 92</i> included units of the RSK police, PJM and TO, and the operation was led by the Republika Srpska Army ("VRS") and RS police.	<i>Martić</i> TJ, paras. 160, 4.
499.	During the second phase of Operation Corridor, two RSK PJM brigades participated.	<i>Martić</i> TJ, para. 160.
500.	Milan Martić and Borislav Đukić commanded a "strong" RSK police detachment during the second phase of operation <i>Koridor 92</i> .	<i>Martić</i> TJ, para. 160.

Proposed Fact No.	Adjudicated Fact	Source
<b>5. The VRS</b>		
501.	The Army of the Serbian Republic of BiH, later renamed VRS, was formally established on 19 May 1992.	<i>Brđanin</i> TJ, para. 78.
502.	The formal withdrawal of the JNA from Bosnia and Herzegovina took place on 19 May 1992.	<i>Tadić</i> TJ, para. 115.
503.	In addition, 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.	<i>Brđanin</i> TJ, para. 151.
504.	The VRS was in effect a product of the dissolution of the old JNA and the withdrawal of its non-Bosnian elements into Serbia.	<i>Tadić</i> TJ, para. 115.
505.	<del>The weapons and equipment with which the new VRS was armed were those that the units had when part of the JNA.</del>	<i>Tadić</i> TJ, para. 115.
506.	The VRS inherited both officers and men from the JNA and also substantial arms and equipment, including over 300 tanks, 800 armoured personnel carriers and over 800 pieces of heavy artillery. The remainder of the former JNA was to become the army of the new Federal Republic of Yugoslavia (Serbia and Montenegro), known as the VJ.	<i>Tadić</i> TJ, para. 114.
507.	<del>Although these officers and non-commissioned officers had become formally members of the VRS rather than of the former JNA, they continued to receive their salaries from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).</del>	<i>Tadić</i> TJ, para. 115.
508.	<del>The pensions of those VRS officers and non-commissioned officers who in due course retired were paid by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).</del>	<i>Tadić</i> TJ, para. 115.
509.	<del>Subordinated to the Main Staff were six regional Corps: the 1st and 2nd Krajina Corps, the East Bosnia Corps, the Herzegovina Corps, the Sarajevo-Romanija Corps, and the Drina Corps. In addition, two independent units were directly subordinated to the Main Staff: the 65th Protective Regiment, and the 10th Sabotage Detachment.</del>	<i>Blagojević &amp; Jokić</i> TJ, para. 37.
510.	The former Commander of the 2nd Military District of the JNA, based in Sarajevo, General Ratko Mladić, became the Commander of the VRS following the announced withdrawal of the JNA from Bosnia and Herzegovina.	<i>Tadić</i> TJ, para. 118; <i>Čelibići</i> TJ, para. 117.
511.	The Banja Luka Corps, the 5 <sup>th</sup> Corps of the old JNA, became part of the VRS in Bosnia and Herzegovina, and was named the 1 <sup>st</sup> Krajina Corps, but retained the same Commander, Lieutenant-General Talić.	<i>Tadić</i> TJ, para. 120.
512.	Excluding the Rear Base troops, the Banja Luka Corps numbered some 100,000 men, expanded from a peacetime strength of 4,500 men.	<i>Tadić</i> TJ, para. 120.
513.	<del>After 19 May 1992, the FRY provided the VRS with three main types of operational support: logistics, personnel and training. The FRY provided considerable quantities of military equipment, fuel and ammunition to the VRS and the latter was almost entirely dependent on this procurement. Not</del>	<i>Brđanin</i> TJ, para. 145.

Proposed Fact No.	Adjudicated Fact	Source
	<del>only did the VRS repeatedly emphasise the critical state of its material reserves and request the assistance of the FRY, but the latter responded and sent the requested material support.</del>	
<b>6. The Bosnian Serb MUP</b>		
514.	On 27 March 1992, the SerBiH Assembly established the Serbian MUP. The legislation on the MUP came into effect on 31 March 1992, when a Minister was appointed who answered to the SerBiH Assembly. During the spring and summer of 1992, most non-Serbs were dismissed from the police force. In doing so, the police was transformed into a Bosnian Serb force.	<i>Brđanin</i> TJ, para. 211.
515.	On 31 March 1992, Momčilo Mandić, Assistant Minister of Internal Affairs in BiH, sent a telex to all security centres and all the public security stations around the SerBiH, informing them of the establishment of the Serbian Ministry of Internal Affairs (MUP), decision taken at a meeting of the SerBiH Assembly, held on 27 March 1992, at which the Constitution of the SerBiH was ceremonially promulgated.	<i>Brđanin</i> TJ, para. 73.
516.	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.	<i>Kvočka et al.</i> TJ, para. 26.
517.	In the spring of 1992, all employees in local SJBs and other public services were required to sign an oath of loyalty to the Bosnian Serbian authorities. Bosnian Muslims and Bosnian Croats who refused to sign the declaration of loyalty were dismissed. Those who accepted to sign could remain within the service.	<i>Brđanin</i> TJ, para. 85.
518.	The CSB was divided into two principal departments, the State Security Department (SDB) and the Public Security Department (SJB). The State Security Department was occupied with intelligence work. Within the Public Security Department there were several sub-sections dealing, for example, with crime, traffic, personnel, passports, and aliens.	<i>Kvočka et al.</i> TJ, para. 26.
<b>SECTION III: THE ARK AND MUNICIPALITIES</b>		
<b>1. The ARK</b>		
519.	On or about 16 September 1991, the Association of Bosanska Krajina Municipalities was transformed into the ARK, which came to include (amongst others) the following municipalities: Banja Luka, Bihać-Ripač, Bosanska Dubica, Bosanska Gradiška, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Čelinac, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Prnjavor, Sanski Most, Šipovo and Teslić.	<i>Brđanin</i> TJ, para. 2.
520.	The ARK was a regional body vested with both executive and legislative powers within its area of jurisdiction. It acted as an intermediate level of authority between the SerBiH and the municipalities.	<i>Brđanin</i> TJ, para. 170.
521.	The ARK in terms of its Statute was a voluntary association. In this context in the municipalities where the Bosnian Serbs enjoyed a majority, the respective 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	<i>Brđanin</i> TJ, para. 171.

Proposed Fact No.	Adjudicated Fact	Source
	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.	
522.	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.	<i>Brđanin</i> TJ, para. 172.
523.	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 Assembly of the Serbian People of Bosnia and Herzegovina.	<i>Brđanin</i> AJ, para. 2.
524.	A first regional crisis staff of the ARK was covertly formed on 22 January 1992.	<i>Brđanin</i> TJ, para. 188.
525.	The ARK Crisis Staff considered itself to be fulfilling the role allotted by the Constitutions of the Socialist Federal Republic of Yugoslavia ("SFRY") and the Socialist Republic of Bosnia and Herzegovina ("SRBH") 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 and, therefore, becoming the highest organ of civilian authority of the ARK.	<i>Brđanin</i> TJ, paras. 191, 54.
526.	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 his position at the head of this body until the abolition of the ARK on 15 September 1992.	<i>Brđanin</i> AJ, para. 2.
527.	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 Assembly of the SerBiH Vojo Kuprešanin; the President of the ARK Executive Council Nikola 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 Dr. Radislav Vukić; the Deputy of the SerBiH Assembly Dr. Milovan Milanović; the Commander of the 1st Krajina Corps 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.	<i>Brđanin</i> TJ, para. 193, footnotes 497-500.
528.	Nenad Stevandić was the head of the Serbian Defence Forces ("SOS") and Slobodan Dubočanin was connected with the SOS and the Special Intervention Squad.	<i>Brđanin</i> TJ, paras. 193, 98, fn. 501.

Proposed Fact No.	Adjudicated Fact	Source
529.	The ARK War Presidency continued to meet at least until 8 September 1992, just one week prior to the adoption of the SerBiH constitutional amendment that abolished the ARK as a territorial unit of the SerBiH.	<i>Brđanin TJ</i> , para. 196.
530.	On 4 March 1992, the ARK Assembly during its 15 <sup>th</sup> session adopted a decision to form the Security Services Centre of the ARK ("CSB") with its seat in Banja Luka. Stojan Župljanin was appointed Chief of the CSB. On 27 April 1992, the ARK Assembly issued a decision to establish a "Special Purpose Police Detachment" within the CSB.	<i>Brđanin TJ</i> , para. 175.
531.	Between 24 May and 30 August 1992, the head of the CSB of Banja Luka was Stojan Župljanin.	<i>Kvočka et al. TJ</i> , para. 26.
532.	The ARK Crisis Staff initially issued orders to dismiss non-Serbs from holding key posts in public enterprises and institutions. Subsequently the orders to dismiss non-Serbs concerned "all posts important for the functioning economy". As a result, a large number of Bosnian Muslims and Bosnian Croats in the Bosnian Krajina were replaced by Bosnian Serb personnel, thus guaranteeing an overall Bosnian Serb control over public and private enterprises and institutions throughout the ARK.	<i>Brđanin TJ</i> , para. 233.
533.	In a decision adopted on 22 June 1992 and directed to all the municipal Crisis Staffs, the ARK Crisis Staff held that <i>all posts important for the functioning of the economy may only be held by personnel of Serbian ethnicity</i> . In addition, Bosnian Serb personnel were expected to have "confirmed their Serbian nationality" in the plebiscite and expressed their loyalty to the SDS.	<i>Brđanin TJ</i> , para. 235.
534.	The ARK Crisis Staff decision of 22 June 1992 was forwarded by the Chief of the Banja Luka CSB, Stojan Župljanin to all SJB's for its immediate implementation within the ARK. In accordance with the decision, numerous municipalities dismissed non-Serb personnel. Ultimately, by the end of 1992, almost the entire Bosnian Muslim and Bosnian Croat community had been dismissed from their jobs.	<i>Brđanin TJ</i> , para. 236.
535.	The ARK Crisis Staff demanded the disarmament of non-Serbs in the ARK through public announcements, orders and decisions. Calls for disarmament usually involved the issuance of an ultimatum to hand in illegally owned weapons.	<i>Brđanin TJ</i> , para. 237.
536.	The ARK decisions on disarmament were implemented by the municipal civilian authorities, the CSB and the SJBs, and also by the army.	<i>Brđanin TJ</i> , para. 237.
537.	The military and civilian police were responsible for the implementation of decisions on disarmament. In accordance with the decision of 18 May 1992, the chief of the CSB, Stojan Župljanin, ordered all SJBs to report back to the CSB on the disarmament operations. The order contained detailed instructions on the expected contents of the report. The municipal SJBs, as ordered, reported back to the CSB on the operations implemented in their respective areas of control.	<i>Brđanin TJ</i> , para. 246.

Proposed Fact No.	Adjudicated Fact	Source
538.	Although the calls of disarmament in the ARK were directed to all "paramilitary units and individuals who illegally possess weapons", they were selectively enforced against non-Serbs.	<i>Brđanin</i> TJ, para. 237.
539.	The disarmament of Bosnian Muslims and Bosnian Croats throughout the ARK created an imbalance of arms and weapons favouring the Bosnian Serbs in the Bosnian Krajina, a situation amplified by the fact that the Bosnian Serb population was arming itself at the same time on a massive scale.	<i>Brđanin</i> TJ, para. 237.
540.	The disarmament of the non-Serbs guaranteed Bosnian Serb control over the population of villages, towns and cities throughout the ARK rendering the Bosnian Muslims and Bosnian Croats more vulnerable.	<i>Brđanin</i> TJ, para. 237.
541.	The resettlement policy within the territory of the Bosnian Krajina was coordinated at the regional level by the ARK Crisis Staff.	<i>Brđanin</i> TJ, para. 248.
542.	On 12 June 1992, the ARK Crisis Staff established in Banja Luka an Agency for the Movement of People and Exchange of Properties, aiding in the implementation of the resettlement policy. At the municipal level other agencies were established.	<i>Brđanin</i> TJ, para. 254.
543.	The municipal agencies throughout the ARK, along with other competent institutions, were charged with establishing the resettlement procedures. Departures of non-Serbs from the ARK had to be authorised by these competent institutions.	<i>Brđanin</i> TJ, para. 254.
544.	In order to obtain permits to leave the territory of the ARK, Bosnian Muslims and Bosnian Croats usually had to "deregister" from their places of residence and either relinquish their property to the SerBiH without compensation or in a minority of cases exchange their property for property located outside the ARK.	<i>Brđanin</i> TJ, para. 254.
545.	<del>The non-Serb population often sought to leave, and requested the convoys, which were then organised by the Bosnian Serb authorities. However, they did not leave of their own free will, but were forced to do so as a result of the conditions imposed on them.</del>	<i>Brđanin</i> TJ, para. 116.
546.	<del>Moreover, in many instances the Bosnian Serb authorities made them sign documents stating that they renounced claims to all the property that they left behind in favour of the SerBiH. This measure was intended to dissuade the Bosnian Muslims and the Bosnian Croats leaving the territory from returning at a later stage. At the same time, the cleansed areas in northern Bosnia that had been emptied of Bosnian Muslims and Bosnian Croats were repopulated by resettling Serbian refugees coming from Croatia.</del>	<i>Brđanin</i> TJ, paras. 116-117.
547.	General Major Momir Talić briefed the ARK Assembly on military operations and informed his subordinate officers within the 1 <sup>st</sup> Krajina Corps of the VRS ("1st KK") of the decisions of the ARK Crisis Staff.	<i>Brđanin</i> TJ, paras. 223, 216.
548.	ARK Crisis Staff members, particularly Radoslav Brđanin, visited the front lines regularly, where they were briefed by military personnel in order to gain an understanding of the situation and they informed the ARK Crisis	<i>Brđanin</i> TJ, para. 223.

Proposed Fact No.	Adjudicated Fact	Source
	Staff about the military campaign.	
549.	Serbian paramilitary groups also participated in combat operations of the 1st Krajina Corps of the VRS throughout the ARK, and from mid June 1992 onwards, they were formally incorporated into the structure of the VRS and put under its command.	<i>Brđanin</i> TJ, para. 97.
550.	<del>Military operations were carried out against towns and villages that were not military targets. Bosnian Serb forces carried out attacks in Prijedor, Sanski Most, Bosanski Novi, Ključ, Teslić, and Kotor Varoš, among others. Such military operations were undertaken with the specific purpose to drive Bosnian Muslim and Bosnian Croat residents away. The evidence shows that the displacement of persons was not simply the consequence of military action, but the aim of it.</del>	<i>Brđanin</i> TJ, para. 549.
551.	Following attacks on towns and villages, Bosnian Muslim and Bosnian Croat men, women and children were rounded up and often separated.	<i>Brđanin</i> TJ, para. 549.
552.	A Report of the International Committee of the Red Cross ("ICRC") found that the minority civilian population of the Banja Luka area was repeatedly beaten, threatened and robbed. Non-Serb cultural and religious symbols throughout the Autonomous Region of Krajina were targeted for destruction and, as an additional means for minimising the non-Serb population of the area; a state agency was created to facilitate the exchange of the non-Serb population for Serbs.	<i>Tadić</i> TJ, para. 149.
553.	In the spring of 1992, camps and other detention facilities were established throughout the territory of the Bosnian Krajina in army barracks and compounds, factories, schools, sport facilities, police stations and other public buildings. These camps and detention facilities were set up and controlled by the Bosnian Serb army, civilian authorities or the Bosnian Serb police. Non-Serb civilians were arrested <i>en masse</i> and detained in these camps and detention facilities.	<i>Brđanin</i> TJ, para. 115.
554.	As the events in the Bosnian Krajina developed, from the spring of 1992 onwards, active and systematic repression and expulsion of Bosnian Muslims and Bosnian Croats was carried out by the Bosnian Serb authorities throughout the Bosnian Krajina. Convoys of buses and trains were organised by the Bosnian Serb authorities to drive tens of thousands of men, women and children out of Bosnian Serb claimed territory to either Bosnian Muslim held territory within BiH or to Croatia.	<i>Brđanin</i> TJ, para. 116.
555.	Bosnian Muslims and Bosnian Croats were subjected to movement restrictions, as well as to perilous living conditions; they were required to pledge their loyalty to the Bosnian Serb authorities and, in at least one case, to wear white armbands. They were dismissed from their jobs and stripped of their health insurance. Campaigns of intimidation specifically targeting Bosnian Muslims and Bosnian Croats were undertaken.	<i>Brđanin</i> TJ, para. 551.

Proposed Fact No.	Adjudicated Fact	Source
<b>2. The Municipality of Banja Luka</b>		
<b>a. Measures taken against non-Serbs</b>		
556.	<del>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.</del>	<i>Brđanin TJ, paras. 605, 19.</i>
557.	<del>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.</del>	<i>Brđanin TJ, para. 605.</i>
558.	<del>Bosnian Serb families moved into apartments belonging to non-Serbs who had left Banja Luka.</del>	<i>Brđanin TJ, para. 605.</i>
559.	<del>People were not permitted to leave Banja Luka with more than three hundred German Marks. 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.</del>	<i>Brđanin TJ, para. 607.</i>
<b>b. CSB Building Banja Luka – Schedule C, 1.1</b>		
560.	<del>Throughout summer 1992, upon being arrested, Bosnian Muslims and Bosnian Croats from various municipalities of the ARK were taken to the Banja Luka CSB, which was housed in the SUP building, and interrogated, before being transferred to other detention facilities.</del>	<i>Brđanin TJ, para. 745.</i>
561.	<del>At the CSB building, Bosnian Muslims and Bosnian Croats were hit and kicked by policemen and by members of the Banja Luka Special Unit (aka “Specialists”), as they awaited their turn to be interrogated, as well as during interrogation.</del>	<i>Brđanin TJ, para. 746.</i>
<b>c. Manjača Camp – Schedule C, 1.2</b>		
562.	In mid-May 1992, Bosnian Serb authorities set up a camp on the Manjača mountain outside the city of Banja Luka.	<i>Brđanin TJ, para. 436.</i>
563.	The Manjača camp held almost exclusively civilians of Bosnian Muslim and Bosnian Croat ethnicity, mainly from the areas of Kozarac and the Sana river valley.	<i>Brđanin TJ, para. 436.</i>
564.	The Manjača camp was run by Bosnian Serb military police under the command of the 1st KK, and Colonel Božidar Popović was the camp commander.	<i>Brđanin TJ, para. 436.</i>
565.	Manjača 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.	<i>Brđanin TJ, para. 747.</i>
566.	At one given point there were approximately 3640 men detained in Manjača. Detainees at Manjača were predominantly Bosnian Muslims; there were also some Bosnian Croats and very few Bosnian Serbs.	<i>Brđanin TJ, para. 749.</i>



Proposed Fact No.	Adjudicated Fact	Source
567.	The detainees were kept in large, crowded stables for livestock, where they sat or lay down for most of the day. There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.	<i>Brđanin</i> TJ, para. 910.
568.	The Manjača camp was infested with lice.	<i>Brđanin</i> TJ, para. 911.
569.	The food in the camp was extremely insufficient, consisting of a thin broth and a slice of bread twice a day. As a result, many detainees lost weight and became very thin. Some detainees were so hungry they resorted to eating grass.	<i>Brđanin</i> TJ, para. 912.
570.	Water at the Manjača camp was severely insufficient, in terms of quantity as well as quality, since it originated from a lake.	<i>Brđanin</i> TJ, para. 913.
571.	The poor water at the Manjača camp lead to prevalent intestinal and stomach problems amongst the detainees.	<i>Brđanin</i> TJ, para. 913.
572.	There were also quite a number of people with diabetes, high blood pressure and injuries. However, the 'medical clinic' in the camp, staffed by detainees, suffered a severe shortage of medicines and supplies.	<i>Brđanin</i> TJ, para. 913.
573.	Detainees at the Manjača camp were subjected to regular beatings.	<i>Brđanin</i> TJ, para. 751.
574.	Detainees at the Manjača camp were beaten by the military police that were manning the camp, and by those who had accompanied them in their transfer from their municipalities of origin.	<i>Brđanin</i> TJ, para. 751.
575.	Beatings at the Manjača camp also took place during interrogations.	<i>Brđanin</i> TJ, para. 751.
576.	Beatings at the Manjača camp were inflicted with the use of, amongst 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.	<i>Brđanin</i> TJ, paras. 751-752.
577.	Detainees at the Manjača camp witnessed beatings being inflicted on other detainees.	<i>Brđanin</i> TJ, para. 752.
578.	Božidar Popović, was aware of the beatings being inflicted upon the detainees at Manjača camp.	<i>Brđanin</i> TJ, para. 757.
579.	General Talić was aware of the mistreatment being visited upon detainees and of the conditions in Manjača camp.	<i>Brđanin</i> TJ, para. 757.
580.	At a meeting in the army club in Banja Luka on 22 June 1992, Adil Medić described the conditions he had witnessed in Manjača camp to General Talić, and told him that detainees said they were being mistreated.	<i>Brđanin</i> TJ, para. 757.
581.	<del>On 8 August 1992, Vojo Kuprešanin visited Manjača camp and spoke to the prisoners.</del>	<i>Brđanin</i> TJ, para. 757, fn. 606.

Proposed Fact No.	Adjudicated Fact	Source
582.	In response to a written request by Merhamet, a local Bosnian Muslim organisation, to the command of the 1 <sup>st</sup> KK, between 110-120 detainees, amongst them underage, elderly and sick detainees, were released around 10 July 1992. In August and September 1992, more detainees were released. In December 1992, Manjača camp was closed and the ICRC took care of the detainees that were released.	<i>Brđanin</i> TJ, paras. 915-916.
<b>d. Killings related to Manjača Camp</b>		
<i>i. Schedule B, 1.1</i>		
583.	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.	<i>Brđanin</i> TJ, para. 452.
584.	Upon arrival at Manjača camp, at least six prisoners were beaten and subsequently killed by policemen from Sanski Most.	<i>Brđanin</i> TJ, para. 452.
<i>ii. Schedule B, 1.2</i>		
585.	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.	<i>Brđanin</i> TJ, para. 452.
586.	Drago Došenović ('Maca') and a camp warden called 'Špaga' organised the transport.	<i>Brđanin</i> TJ, para. 452.
587.	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.	<i>Brđanin</i> TJ, para. 452.
588.	As a consequence of these conditions, more than 20 prisoners died during the transportation.	<i>Brđanin</i> TJ, para. 452.
<i>iii. Schedule B, 1.3</i>		
589.	When the camp in Omarska was closed down, detainees from that camp were transferred to Manjača camp. One transport of prisoners took place on 6 August 1992. The journey lasted the whole day.	<i>Brđanin</i> TJ, para. 453.
590.	After arrival at Manjača camp, detainees were made to spend the entire night in the locked bus. During the night, three men were called out from the bus by the Bosnian Serb policemen accompanying the transport. On the next day, the dead bodies of these three men were seen.	<i>Brđanin</i> TJ, para. 453.
591.	Before the prisoners were allowed to enter the camp, one of them was stabbed by a policeman, and a bystanding man was ordered to beat the dead body with a tractor's wheelcap.	<i>Brđanin</i> TJ, para. 453.
<i>iv. Schedule B, 1.4</i>		
592.	Between June and November 1992, at least 10 prisoners died inside Manjača camp as a result of beatings or of sporadic killings.	<i>Brđanin</i> TJ, para. 440.

Proposed Fact No.	Adjudicated Fact	Source
593.	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.	<i>Brđanin</i> TJ, paras. 757, 440, fn. 1839
<b>e. Mali Logor – Schedule C, 1.3</b>		
594.	<del>Bosnian Muslim and Bosnian Croat detainees were held at Mali Logor military prison together with regular inmates, including Bosnian Serbs, some of whom had been sentenced before the war.</del>	<i>Brđanin</i> TJ, para. 758.
595.	<del>Beatings also took place regularly in Mali Logor, involving amongst others the use of fists, feet and batons, and resulting in serious injury or death. These beatings focused on Bosnian Muslims and Bosnian Croats.</del>	<i>Brđanin</i> TJ, para. 759.
596.	<del>Detainees at Mali Logor witnessed these beatings being inflicted on others.</del>	<i>Brđanin</i> TJ, para. 759.
597.	<del>It was evident to the judiciary of Banja Luka military court that these beatings at Mali Logor were taking place, but their occurrence was not stopped nor were the perpetrators punished.</del>	<i>Brđanin</i> TJ, para. 760.
<b>f. Banja Luka Prison (Tunjice) – Schedule C, 1.4</b>		
598.	<del>The camp at Viz Tunjice held both Bosnian Muslim and Bosnian Croat detainees, some of whom were detained under the authority of the Banja Luka CSB until criminal proceedings against them could be initiated. This prison also contained regular inmates who had been sentenced before the war, including Bosnian Serbs.</del>	<i>Brđanin</i> TJ, para. 762.
599.	<del>Bosnian Muslim and Bosnian Croat detainees at Viz Tunjice penitentiary were beaten immediately upon arrival with fists, feet and truncheons. They were subjected to ethnic slurs. On one occasion, the beatings resulted in the death of one detainee.</del>	<i>Brđanin</i> TJ, para. 763.
600.	<del>Detainees at Viz Tunjice penitentiary did not receive any medical attention for the injuries they suffered.</del>	<i>Brđanin</i> TJ, para. 763.
601.	<del>The perpetrators of these beatings at Viz Tunjice penitentiary were the guards. Bosnian Muslim and Bosnian Croat detainees were also beaten by Bosnian Serb detainees.</del>	<i>Brđanin</i> TJ, para. 764.
602.	<del>Some detainees were transferred to Mali Logor. Prior to being transferred, they were beaten by the Viz Tunjice prison guards and by the Bosnian Serb military police that came to transfer them.</del>	<i>Brđanin</i> TJ, para. 765.
<b>g. Property related Crimes</b>		
603.	<del>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.</del>	<i>Brđanin</i> TJ, para. 603.
604.	<del>The police failed to investigate the bombing of private houses and business</del>	<i>Brđanin</i> TJ,

Proposed Fact No.	Adjudicated Fact	Source
	premises in Banja Luka.	para. 604.
<b>h. Destruction of a Sacred Site listed in Schedule D, 1</b>		
605.	On 9 April 1992, the Franciscan Monastery in Petričevac was damaged. The investigations carried out established that the Monastery was hit by a missile from a hand held rocket launcher.	<i>Brđanin</i> TJ, para. 643.
<b>i. Removal of non-Serbs</b>		
606.	In October 1992, roughly 158 Bosnian Muslim and Bosnian Croat detainees from Manjača camp were exchanged at Turbe, near Travnik.	<i>Brđanin</i> TJ, para. 558.
607.	Detainees at Manjača camp were also transported to Karlovac both prior to and following the closure of the camp in December 1992.	<i>Brđanin</i> TJ, para. 558.
<b>3. The Municipality of Bosanska Krupa</b>		
<b>a. Events prior to the Serb Takeover of the Municipality</b>		
608.	On 21 April 1992, the Bosnian Serb population of Bosanska Krupa left the town, leaving behind its Bosnian Muslim and Bosnian Croat inhabitants.	<i>Brđanin</i> TJ, para. 491.
<b>b. Jasenica School and Petar Kočić Elementary School Generally – Schedule C, 3.1 &amp; 3.2</b>		
609.	Beginning 21 April 1992, Bosnian Muslim and Bosnian Croat civilians were confined in the Jasenica Elementary School at the orders of the Bosanska Krupa War Presidency, and were later transferred to the Petar Kočić School until 21 August 1992.	<i>Brđanin</i> TJ, para. 766.
<b>c. Jasenica School – Schedule C, 3.2</b>		
610.	On 21 and 22 April 1992, at Jasenica, a village at a distance of 18 kilometres from Bosanska Krupa town, Bosnian Serb policemen confined approximately 60 Bosnian Muslims and a few Bosnian Croats in the local elementary school building.	<i>Brđanin</i> TJ, para. 767.
611.	Policemen and local Bosnian Serbs guarded the Jasenica Elementary School.	<i>Brđanin</i> TJ, para. 768.
612.	A panel of three local Bosnian Serbs tried the detainees held at the Jasenica School. The president of the panel was Mladen Drljača, who was the secretary of the municipality and judge in the misdemeanours court.	<i>Brđanin</i> TJ, para. 768.
613.	In addition, detainees from the Jasenica Elementary school were also interrogated at the police headquarters.	<i>Brđanin</i> TJ, para. 768.
614.	On 24 April 1992, ten members of a paramilitary group known as "Suha Rebra" entered the Jasenica school. They asked the detainees "Do you want a state of your own?", pricked them with knives on their legs, beat them with handcuffs, and stamped on them until some of them fainted.	<i>Brđanin</i> TJ, para. 491.
615.	A few days after 24 April 1992, Bosnian Serb paramilitaries known as "Šešelji's men" entered the Jasenica school building and beat up the detainees with rifle butts.	<i>Brđanin</i> TJ, para. 491.

Proposed Fact No.	Adjudicated Fact	Source
616.	<del>Detainees at the Jasenica Elementary School were also beaten by Bosnian Serb soldiers and civilians.</del>	<i>Brđanin</i> TJ, para. 769.
<b>d. Petar Kočić Elementary School – Schedule C, 3.1</b>		
617.	<del>At the beginning of May 1992, detainees from Jasenica school were transferred to the Petar Kočić school on the outskirts of Bosanska Krupa.</del>	<i>Brđanin</i> TJ, para. 492.
618.	<del>At least 50 Bosnian Muslims were detained at the Petar Kočić school.</del>	<i>Brđanin</i> TJ, para. 492.
619.	<del>Petar Senić, the commander of the police, was in charge of the detention facility at the Petar Kočić Elementary School which was staffed by local Serbs.</del>	<i>Brđanin</i> TJ, para. 771.
620.	<del>In a small room at the Petar Kočić school, detainees were given electroshocks. Wires from a car battery were attached through clamps to the fingers and toes of detainees, and the electricity was turned on and off for periods of five minutes. Bosnian Serb policemen administered this treatment on a number of Bosnian Muslim detainees during interrogations in order "to make them sing".</del>	<i>Brđanin</i> TJ, para. 492.
621.	<del>Detainees at the Petar Kočić Elementary School, including two women, were regularly beaten by policemen and by passers-by, and made to sing Četnik songs.</del>	<i>Brđanin</i> TJ, para. 772.
622.	<del>Numerous detainees were killed at the Petar Kočić school. One of them was beaten to death. At least seven detainees were killed in a school room at the Petar Kočić with an automatic rifle by a Bosnian Serb called Jojo Plavanjac. A Bosnian Serb military squad under the command of Milorad Kotur was responsible for the death of three detainees during trench digging on a hill above the Petar Kočić school.</del>	<i>Brđanin</i> TJ, para. 461.
<b>e. Property related Crimes</b>		
623.	<del>The town of Bosanska Krupa was shelled by Bosnian Serb forces on 22 April 1992. Houses predominantly inhabited by Bosnian Muslims were set on fire and destroyed.</del>	<i>Brđanin</i> TJ, para. 608; <i>Brđanin</i> AJ, para. 327.
624.	<del>The Roman Catholic Church in town was destroyed within the summer months of 1992.</del>	<i>Brđanin</i> TJ, paras. 644, 642.
625.	<del>The mosque in the village of Arapuša was destroyed by explosives within the summer months of 1992.</del>	<i>Brđanin</i> TJ, paras. 644, 642.
<b>f. Destruction of a Sacred Site listed in Schedule D, 3</b>		
626.	<del>The Bosanska Krupa town mosque was mined by Bosnian Serb forces in April 1992.</del>	<i>Brđanin</i> TJ, para. 644.

Proposed Fact No.	Adjudicated Fact	Source
<b>4. The Municipality of Bosanski Novi</b>		
<b>a. Killings – Schedule A, 2.1</b>		
627.	On 9 June 1992, Bosnian Serb soldiers entered Blagaj Japra, rounded up people and killed some of them randomly. At least 12 individuals were killed in these events.	<i>Brđanin</i> TJ, para. 434.
<b>b. Mlavke Football Stadium and Bosanski Novi Fire Station Generally – Schedule C, 4.1 &amp; 4.2</b>		
628.	From early June 1992, Bosnian Muslim civilians in Bosanski Novi municipality were confined at the Mlavke football stadium, and later in the Bosanski Novi Fire Station, until the end of August 1992.	<i>Brđanin</i> TJ, para. 798.
<b>c. Mlavke Football Stadium – Schedule C, 4.1</b>		
629.	At the Mlavke Football Stadium, at least 700 Bosnian Muslim civilian men were held, some of whom had been transferred from the Omarska, Trnopolje and Keraterm camps. Some were elderly men.	<i>Brđanin</i> TJ, para. 799.
630.	The Mlavke football stadium was staffed by Bosnian Serb army reservists, one of whom was Radenko Balaban.	<i>Brđanin</i> TJ, para. 800.
631.	On 10 June 1992, a large group of Bosnian Muslims from Blagaj Japra were detained at a compound in Blagaj Rijeka, on the other bank of the Sana river. Thereafter, railway carriages entered the compound, and detainees were ordered to board them.	<i>Brđanin</i> TJ, para. 493.
632.	The railway carriages were tightly packed with people, and there was no space left.	<i>Brđanin</i> TJ, para. 494.
633.	The train set out comprised of at least 10 carriages. It stopped outside Doboj, where men were separated from women and children. The latter group was transferred to territory held by the Bosnian government. The men were taken by train to Banja Luka, where they had to spend the night in the carriages.	<i>Brđanin</i> TJ, para. 494.
634.	The following day, the train arrived in Bosanski Novi from where the men were transferred to the Mlavke stadium. No food or water had been given to them during the entire period spent in the carriages.	<i>Brđanin</i> TJ, para. 494.
635.	On board of these railway carriages, there was an absolute lack of any hygienic facilities.	<i>Brđanin</i> TJ, para. 494.
636.	Beatings took place at the Mlavke football stadium.	<i>Brđanin</i> TJ, para. 801.
637.	As a result of the beating inflicted by a Bosnian Serb soldier, a detainee was blinded in one eye.	<i>Brđanin</i> TJ, para. 801.
638.	Beatings also took place when drunk Bosnian Serb soldiers returned from the front.	<i>Brđanin</i> TJ, para. 801.
639.	The guards cursed, taunted and threatened the detainees with death, and subjected them to ethnic slurs.	<i>Brđanin</i> TJ, para. 802.

Proposed Fact No.	Adjudicated Fact	Source
640.	An armed Bosnian Serb soldier with a gun forced detainees to graze grass like animals, for the purposes of humiliating them.	<i>Brđanin</i> TJ, para. 802.
641.	Detainees were kept at the Mlakve Football Stadium for about 45 days.	<i>Brđanin</i> TJ, para. 917.
642.	Because the detainees were confined to one part of the stadium, there was a shortage of space for approximately 700 men.	<i>Brđanin</i> TJ, para. 917.
643.	The detainees at the Mlakve Football Stadium slept on the floor with no blankets.	<i>Brđanin</i> TJ, para. 917.
644.	At the Mlakve Football Stadium, the quantity of food was very insufficient, limited to thin soup and some bread, and detainees lost considerable weight. Access to water for drinking was limited to twice a day.	<i>Brđanin</i> TJ, para. 918.
645.	Although the detainees at the Mlakve Football Stadium could wash, the water that was brought for that purpose was ice cold. In addition, they had no facilities to wash clothes. Toilet facilities were also inadequate.	<i>Brđanin</i> TJ, para. 919.
646.	Some people at the Mlakve Football Stadium were ill and received no medical treatment. One man died of asthma.	<i>Brđanin</i> TJ, para. 920.
647.	On 24 July 1992, the ICRC registered the detainees and they were released.	<i>Brđanin</i> TJ, para. 922.
<b>d. Bosanski Novi Fire Station – Schedule C, 4.2</b>		
648.	<del>The Bosanski Novi fire station was staffed by Bosnian Serb military police and commanded by Bogdan Grab from Josava.</del>	<i>Brđanin</i> TJ, para. 803.
649.	<del>Around 19 Bosnian Muslim men, amongst them prominent citizens, were confined at the Bosanski Novi Fire Station.</del>	<i>Brđanin</i> TJ, para. 803.
650.	<del>At the fire station, around 19 detainees were kept in the cellar the whole time, where they slept on wooden palettes without covers.</del>	<i>Brđanin</i> TJ, para. 923.
651.	<del>The length of detention at the fire station stretched in some cases to one month.</del>	<i>Brđanin</i> TJ, para. 923.
652.	<del>Food at the fire station consisted of leftovers from the military police; sometimes the food had already gone bad, which caused the detainees stomach aches.</del>	<i>Brđanin</i> TJ, para. 923.
653.	<del>The room where the detainees were held had no toilet, and not even a bucket: for these purposes detainees were at the mercy of the Bosnian Serb military policeman guarding them, who would escort them to the toilet facilities at the fire department house, failing which detainees had to relieve themselves in a corner.</del>	<i>Brđanin</i> TJ, para. 923.
654.	<del>Detainees had no opportunity of washing except sometimes when they were taken to the Una River.</del>	<i>Brđanin</i> TJ, para. 923.
655.	<del>Beatings took place at the Bosanski Novi Fire Station with “baseball bats”, truncheons and wooden sticks, hands and feet, and a man was beaten to death.</del>	<i>Brđanin</i> TJ, para. 804.

Proposed Fact No.	Adjudicated Fact	Source
656.	<del>The beatings at the Bosanski Novi Fire Station were carried out by the military police, including the commander Bogdan Grab, and occasionally by drunken Bosnian Serb soldiers returning from the front who were brought in to beat the detainees.</del>	<i>Brđanin</i> TJ, para. 804.
<b>e. Property related Crimes</b>		
657.	The village of Blagaj is within the municipality of Bosanski Novi, and it is divided by the river Sana into Blagaj Japra and Blagaj Rijeka.	<i>Brđanin</i> TJ, para. 434.
658.	The village of Blagaj Rijeka and Blagaj Japra were shelled in May 1992. After the shelling, military tanks carrying flags with the symbol of the SerBiH entered the village of Blagaj Japra. Bosnian Serb soldiers took valuables and money from the villagers of Blagaj Rijeka and Blagaj Japra. Houses in the village of Blagaj Rijeka were set on fire.	<i>Brđanin</i> TJ, para. 610.
659.	During June 1992, several thousand Bosnian Muslims fled to Blagaj Japra because their homes had been destroyed by Bosnian Serb artillery.	<i>Brđanin</i> TJ, para. 434.
660.	The village of Suhača was also shelled by the Bosnian Serb army. After the shelling, Bosnian Serb soldiers entered the village and looted the houses.	<i>Brđanin</i> TJ, para. 611.
661.	On 11 May 1992, Bosnian Serb forces shelled the Bosnian Muslim village of Gornji Agići, targeting civilian houses. In the village of Donji Agići, Bosnian Muslim property was looted and set on fire by Bosnian Serb forces.	<i>Brđanin</i> TJ, para. 611.
<b>f. Destruction of Sacred Sites listed in Schedule D, 4</b>		
662.	The old wooden mosque in Blagaj Rijeka and its minaret was set on fire within the summer months of 1992.	<i>Brđanin</i> TJ, paras. 646, 642.
663.	The mosque in Blagaj Japra was also damaged within the summer months of 1992.	<i>Brđanin</i> TJ, paras. 646, 642.
664.	During an attack by Bosnian Serb forces on Suhača, the two mosques in the village were badly damaged by the shelling within the summer months of 1992.	<i>Brđanin</i> TJ, paras. 646, 642.
665.	The mosques in Prekosanje, Urije and Gornji Agići were also destroyed within the summer months of 1992.	<i>Brđanin</i> TJ, paras. 646, 642.
666.	In early May or June 1992, the town mosque in Bosanski Novi was shelled and set on fire by Bosnian Serb soldiers. The walls were badly damaged but the minaret remained standing. Heavy machinery was brought from Prijedor in order to knock down the minaret. When the mosque was destroyed, trucks arrived to remove the rubble from the mosque. The site was then flattened and used as a parking lot. The tombs of the cemetery were also removed.	<i>Brđanin</i> TJ, para. 645.
667.	The Vidoriije mosque was burned down in May 1992.	<i>Brđanin</i> TJ, para. 646.



Proposed Fact No.	Adjudicated Fact	Source
<b>g. Removal of non-Serbs</b>		
668.	In the Municipality of Bosanski Novi, the Bosnian Serb military told people that the village of Suhača was about to be attacked, that they could not protect them, and that they had to leave. People were also told by the army to retreat towards Bosanski Novi, where it would be decided where they would then go.	<i>Brđanin</i> TJ, para. 566.
669.	On 24 May 1992, there were between approximately 8,000 and 10,000 Muslim men, women and children from Gornji Agići, Donji Agići and Crna Rijeka that left on a convoy of cars, tractors and horse-drawn carts. SDA President and representative of Suhača, Sifet Barjaktarević, negotiated with Bosanski Novi municipal authorities the safe passage of this convoy to Croatia. A military police patrol instead sent the convoy towards Bosanski Novi, accompanied by two military trucks with Bosnian Serb soldiers. Upon their arrival at Blagaj Japra, however, the convoy was met by soldiers wearing JNA uniforms, who asked them to leave their property and board the rail carriages stationed there. The people refused, and were all forced by the soldiers to return to the village of Blagaj.	<i>Brđanin</i> TJ, paras. 566-567.
670.	Bosnian Serb municipal authorities also organised a convoy of 5,000 Bosnian Muslim men, women and children from Bosanski Novi, who had gathered in Blagaj, and who left in the direction of Croatia at the end of May 1992.	<i>Brđanin</i> TJ, para. 568.
671.	A convoy of no less than 11,000 people, including between 600 and 700 detainees from the Mlakve Stadium in Bosanski Novi, and a large number from Prijedor, Bosanska Kostajnica, and Bosanska Dubica, were transported to Karlovac on approximately 23 July 1992.	<i>Brđanin</i> TJ, para. 568.
672.	From the approximately 14,000 Muslims in Bosanski Novi prior to the conflict, roughly 1,000 Muslims remained behind following the departure of the convoy to Karlovac on approximately 23 July 1992.	<i>Brđanin</i> TJ, para. 568.
673.	In July 1992, the RSK authorities cooperated with the authorities in Bosanski Novi, BiH, in the displacement of the non-Serb population from the municipality to Croatia, Slovenia, Austria and Germany.	<i>Martić</i> TJ, para. 430.
674.	<del>Bosnian Muslim and Bosnian Croat departures were involuntary in nature, despite having been carried out with the collaboration or at the insistence of Bosnian Muslim representatives.</del>	<i>Brđanin</i> TJ, para. 569.
<b>5. The Municipality of Bosanski Petrovac</b>		
<b>a. Background and Takeover of the Municipality</b>		
675.	<del>At the beginning of June 1992, the town of Bosanski Petrovac was shelled and taken over by Bosnian Serb forces.</del>	<i>Brđanin</i> TJ, para. 496.
676.	<del>There were many instances of severe beatings of Bosnian Muslim civilians by Bosnian Serb policemen and other armed Bosnian Serbs during and after the takeover.</del>	<i>Brđanin</i> TJ, para. 496.

Proposed Fact No.	Adjudicated Fact	Source
<b>b. Kozila Logging Camp – Schedule C, 5.1</b>		
677.	On 1 July 1992, around 30 Bosnian Muslims from the town of Bosanski Petrovac were taken by bus to the working site of the timber company "Kozila", at a distance of approximately 20 km, near the village of Drinić. At least 80 Bosnian Muslims were detained at Kozila camp at that time.	<i>Brđanin</i> TJ, para. 497.
678.	There was barbed wire around the wooden shack where the detainees at the Kozila camp were housed.	<i>Brđanin</i> TJ, para. 497.
679.	Around 20 Bosnian Serbs in camouflage uniform served as camp guards, and at least one machine gun nest with two soldiers was placed right outside the Kozila camp.	<i>Brđanin</i> TJ, para. 497.
680.	Detainees at the Kozila camp were frequently interrogated and ill-treated by the camp commander, who was either Mišo Zorić or Milan Kresoje, and by the camp guards, including Željko Branković, Zoran Salasa and Milan Knežević.	<i>Brđanin</i> TJ, para. 498.
681.	On 6 July 1992, Midho Družić, one of the detainees, was taken to the Kozila camp administration office. Mišo Zorić and a few other guards present called him by pejorative names, including 'Balija' and 'Mujahedin'. They asked him where he had hidden his weapons. Then they kicked him in the genitals and beat him all over his body for about an hour.	<i>Brđanin</i> TJ, para. 498.
682.	On another occasion, Midho Družić was cut under his chin with a bayonet because he had refused to kiss the four Serbian S's on the soldier's bayonet.	<i>Brđanin</i> TJ, para. 498.
683.	On yet another occasion, Midho Družić was ordered to lick up blood from a table, which came from Šaban Spahić, a detainee who had been beaten up before. When he refused, one of the guards grabbed Družić's head and used his face to wipe the blood off.	<i>Brđanin</i> TJ, para. 498.
684.	Zijad Ramić was beaten at the Kozila camp during interrogations and a pistol was put against his temple. He was told to write down the names of local SDA leaders.	<i>Brđanin</i> TJ, para. 498.
685.	Sometimes Bosnian Muslim detainees at the Kozila camp were ordered to beat each other.	<i>Brđanin</i> TJ, para. 499.
686.	On 14 July 1992, after having been interrogated and beaten at the administration office, a Bosnian Muslim detainee was forced to crawl back to the detention building. The Kozila camp guards opened fire on him, but deliberately directed their bullets to miss him.	<i>Brđanin</i> TJ, para. 499.
<b>c. Destruction of Sacred Sites listed in Schedule D, 5</b>		
687.	The mosques in the centre of Bosanski Petrovac town, named Donji Bišćani and Srednji Bišćani were damaged by Bosnian Serb forces in July 1992. Following explosions, the minarets of the Donji Bišćani and Srednji Bišćani mosques fell to the ground. The following days the rubble was cleared away by trucks.	<i>Brđanin</i> TJ, para. 647.
688.	The minaret of the Rašinovac mosque was also blown up by Bosnian Serb forces within the summer months of 1992.	<i>Brđanin</i> TJ, para. 647.

Proposed Fact No.	Adjudicated Fact	Source
<b>d. Removal of non-Serbs</b>		
689.	In the Municipality of Bosanski Petrovac, a mass departure of Bosnian Muslims from the area occurred on 13 September 1992, including a column of seven buses with a special police patrol escorting them that departed from the village of Bišanći, in the direction of Travnik. A smaller convoy of two buses had also left and gone via Mt. Vlašić to Travnik prior to this particular convoy. Over a three day period, more than 900 Bosnian Muslim men, women and children moved from the Petrovac area in the direction of Bihać and Travnik.	<i>Brđanin</i> TJ, para. 570.
690.	Approximately 2,500 Bosnian Muslim men, women and children were also transported to Travnik on 24 September 1992, following a public announcement made by the military police that all Bosnian Muslims would be transferred there.	<i>Brđanin</i> TJ, para. 570.
691.	Non-Serbs were forced to hand over their property, either by exchanging it with Bosnian Serbs who were coming to Bosanski Petrovac or by leaving it to the SerBiH.	<i>Brđanin</i> TJ, para. 613.
<b>6. The Municipality of Donji Vakuf</b>		
<b>a. Detention Centres in the Municipality Generally - Schedule C, 9.1 – 9.4</b>		
692.	Between mid-June and mid-September 1992, Bosnian Muslim and Bosnian Croat male civilians were detained by Bosnian Serb soldiers, military police and police officers in the SUP building in Donji Vakuf, and later variously confined in a detention camp at Vrbas Promet, a detention facility known as "The House" and the Territorial Defence warehouse.	<i>Brđanin</i> TJ, para. 781.
<b>b. SJB Building in Donji Vakuf – Schedule C, 9.1</b>		
693.	Non-Serbs were held at the police station by regular police for a short while, and were subsequently transferred to other detention facilities in the municipality of Donji Vakuf.	<i>Brđanin</i> TJ, para. 782.
694.	At the SUP building detainees were beaten with police batons, electric cables, steel rods, feet, clubs and chains. They also witnessed beatings being inflicted on others.	<i>Brđanin</i> TJ, para. 783.
695.	The perpetrators of the beatings at the SUP building were, amongst others, Saša "Karatista" and Boško Bilić, and some Bosnian Serb soldiers.	<i>Brđanin</i> TJ, para. 783.
696.	Some of the perpetrators of the beatings at the TO warehouse also perpetrated the beatings at the SUP building.	<i>Brđanin</i> TJ, para. 790.
<b>c. TO Warehouse Building – Schedule C, 9.2</b>		
697.	The TO warehouse held around 80 Bosnian Muslim men, some for about 20 days. One of the detainees at the TO warehouse was underage.	<i>Brđanin</i> TJ, para. 787.
698.	The commander of the TO warehouse was Miodrag Đurkić. The warehouse was staffed by the Bosnian Serb military.	<i>Brđanin</i> TJ, para. 788.

Proposed Fact No.	Adjudicated Fact	Source
699.	At the TO warehouse in Donji Vakuf, beatings occurred very often, also in front of other detainees. Detainees were beaten with electric cables, bats, rifle butts, and feet. Detainees who were relatives were forced to beat each other.	<i>Brđanin</i> TJ, para. 789.
<b>d. Killings related to the TO Warehouse Building – Schedule B, 7.2</b>		
700.	Naim Sutković, an elderly detainee, died of his injuries as a result of a severe beating. Detainees witnessed the deaths of others.	<i>Brđanin</i> TJ, para. 789.
701.	The perpetrators of the beatings were Bosnian Serb local reserve policemen and two military policemen who were not from Donji Vakuf.	<i>Brđanin</i> TJ, para. 790.
<b>e. Vrbas Promet Warehouse – Schedule C, 9.3</b>		
702.	Bosnian Muslim and Bosnian Croat civilians were confined in an empty warehouse at the Vrbas Promet trade factory. There were about 90 to 95 male detainees there. Two of them were underage. The length of detention varied between one and three months.	<i>Brđanin</i> TJ, paras. 791.
703.	Upon arrival, detainees had to run the gauntlet where they were beaten with fists, rifles and batons by Bosnian Serb policemen and soldiers.	<i>Brđanin</i> TJ, para. 793.
704.	Beatings continued during the course of detention at Vrbas Promet. Amongst the perpetrators of the beatings were those who were also responsible for beatings at the TO warehouse.	<i>Brđanin</i> TJ, para. 795.
705.	Miodrag Đurkić, who was also the commander of the TO warehouse, was the commander of the detention facility at Vrbas Promet. It was guarded by Bosnian Serb police.	<i>Brđanin</i> TJ, para. 792.
706.	Detainees at Vrbas Promet saw Nikola Kisin just as they were released from Vrbas Promet to be exchanged. Nikola Kisin, a former teacher, was the president of the SDS in Donji Vakuf, and had earlier been made responsible for setting up the Serbian Municipality of Donji Vakuf.	<i>Brđanin</i> TJ, para. 797.
<b>f. Killings related to the Vrbas Promet Warehouse – Schedule B, 7.1</b>		
707.	Two detainees died whilst at the Vrbas Promet. Other detainees witnessed their death.	<i>Brđanin</i> TJ, para. 796.
<b>g. "A House" opposite the SJB building in Donji Vakuf – Schedule C, 9.4</b>		
708.	At least between four and 12 Bosnian Muslim men were kept in a private house owned by a Bosnian Serb woman that was across the street from the MUP (i.e. Ministry of Internal Affairs in BiH).	<i>Brđanin</i> TJ, para. 784.
709.	At this detention facility, detainees were beaten with fists, chopped wood, rifle butts, police batons and feet. As a result of those beatings one detainee sustained fractured ribs and a fractured index finger.	<i>Brđanin</i> TJ, para. 785.
710.	Detainees witnessed the beating and resulting death of Mulo Robović as he was being taken to the TO warehouse.	<i>Brđanin</i> TJ, para. 785.
711.	The perpetrators of the beatings at "The House" across the street from the MUP were Bosnian Serb soldiers, police officers and military police.	<i>Brđanin</i> TJ, para. 786.

Proposed Fact No.	Adjudicated Fact	Source
<b>h. Property related Crimes</b>		
712.	On 21 May 1992, in a joint operation of Bosnian Serb forces, including the police, the inhabitants of the Bosnian Muslim village of Korenići, were expelled and their houses plundered and set on fire. After the attack, no Bosnian Muslims were left in the village.	<i>Brđanin</i> TJ, para. 107.
713.	On 3 June 1992, Torlakovac, another Bosnian Muslim village, was attacked.	<i>Brđanin</i> TJ, para. 107.
714.	On 11 July 1992, the VRS carried out a similar operation (to the operation carried out on 3 June 1992 in Torlakovac) in two other predominantly Bosnian Muslim villages, Oborei and Seher.	<i>Brđanin</i> TJ, para. 107.
715.	In late summer of 1992, an armed Bosnian Serb formation went around Bosnian Muslim villages, such as Doganovci, and opened fire. Many houses were burnt to the ground. There was no armed resistance from the Bosnian Muslims.	<i>Brđanin</i> TJ, para. 107.
716.	In mid 1992, Bosnian Serb soldiers broke into houses inhabited by Bosnian Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables. Bosnian Serb soldiers used garbage trucks and cars to carry away the booty. Bosnian Serb civilians also participated in the looting. The civilian police did nothing to prevent the looting.	<i>Brđanin</i> TJ, para. 618.
717.	Villages in the municipality of Donji Vakuf were regularly shelled by the Bosnina Serb military. Bosnian Serb military shelled the village of Prusac in August 1992.	<i>Brđanin</i> TJ, para. 617.
<b>i. Destruction of Sacred Sites listed in Schedule D, 9</b>		
718.	In the summer months of 1992, the three mosques in the town of Donji Vakuf were targeted by Bosnian Serb forces. The main mosque called Bašdžamija was mined and as a result was completely destroyed. The rubble of this mosque was loaded on trucks and thrown in the river Vrbas and on its banks. The location of the mosque was subsequently turned into a parking lot. The other two mosques in town were set on fire.	<i>Brđanin</i> TJ, paras. 649, 600.
719.	Three of the four mosques in the village of Prusac were damaged in August or September 1992. The mosques were riddled with bullets and some of the minarets were destroyed.	<i>Brđanin</i> TJ, para. 649.
720.	The mosque in the hamlet of Šeherdžik was destroyed by men wearing JNA uniforms on 9 August 1992. Due to the explosion, the walls of the mosque collapsed but part of the minaret was left standing.	<i>Brđanin</i> TJ, para. 649.
721.	The mosque in the village of Sokolina was set on fire by men wearing olive grey uniforms in June 1992.	<i>Brđanin</i> TJ, para. 649.

Proposed Fact No.	Adjudicated Fact	Source
<b>7. The Municipality of Foča</b>		
<b>a. Background and Takeover of Foča Town</b>		
722.	<del>Foča town and municipality are located in the Republic of Bosnia and Herzegovina, southeast of Sarajevo, near the border of Serbia and Montenegro.</del>	<i>Krnojelac</i> TJ, para. 13.
723.	<del>According to the 1991 census, the population of Foča consisted of 40,513 persons; 51.6% were Muslims, 45.3% Serb and 3.1% of other ethnicities.</del>	<i>Krnojelac</i> TJ, para. 13.
724.	Although ethnically mixed, individual neighbourhoods in Foča town or villages in the municipality could be identified as predominantly Muslim or Serb areas.	<i>Krnojelac</i> TJ, para. 13.
725.	As in much of Bosnia and Herzegovina, Foča municipality was affected at the beginning of the 1990s by the rise of opposing nationalist sentiments which accompanied the disintegration of the Socialist Federal Republic of Yugoslavia.	<i>Krnojelac</i> TJ, para. 14.
726.	<del>Before the multi party elections held in Foča in 1990, inter ethnic relations appear to have been relatively normal, but afterwards the inhabitants of Foča began to split along ethnic lines and inter ethnic socialising ceased.</del>	<i>Krnojelac</i> TJ, para. 14.
727.	In the months before the outbreak of the conflict in Foča, both Serbs and Muslims began to arm themselves with light weapons, though the Muslims were not able to do so as quickly as the Serbs, leaving the latter better prepared for the conflict.	<i>Krnojelac</i> TJ, para. 16.
728.	The Serbs armed themselves surreptitiously at first, distributing weapons by truck in the evenings, or from local businesses. Immediately prior to the outbreak of the conflict, the distribution of arms to Serbs was done openly. The Serbs also began to deploy heavy artillery weapons on elevated sites, around Foča, controlling not only heavy weapons which belonged to the JNA, but also the weaponry of the Territorial Defence.	<i>Krnojelac</i> TJ, para. 16.
729.	The Serbs formed a separate local political structure, the Serbian Municipal Assembly of Foča, and both the Muslims and the Serbs established Crisis Staffs along ethnic lines.	<i>Krnojelac</i> TJ, para. 16.
730.	The Muslim Crisis Staff was based in the Donje Polje neighbourhood of Foča.	<i>Krnojelac</i> TJ, para. 17.
731.	The Serb Crisis Staff operated from a location in the Serb neighbourhood of Čerežluk, with Miroslav Stanić, President of the SDS-Foča, as Chairman and so-called "First War Commander" in Foča.	<i>Krnojelac</i> TJ, para. 17.
732.	On 7 April 1992, following pressure from the SDS leadership, the local police were divided along ethnic lines and stopped functioning as a neutral force.	<i>Krnojelac</i> TJ, para. 17.
733.	Immediately prior to the outbreak of the conflict, the Serbs began evacuating	<i>Krnojelac</i>

Proposed Fact No.	Adjudicated Fact	Source
	their families and children from Foča, generally to Serbia or to Montenegro.	TJ, para. 18.
734.	Some Muslims, alerted by the movements of their Serb neighbours coupled with general tension in the town, also fled or managed to evacuate their families before the outbreak of the conflict.	<i>Krnojelac</i> TJ, para. 18.
735.	Although many Muslims had Serb friends, neighbours and relatives, few were warned about the coming attack. Even for those who did get away, leaving Foča was not easy, with frequent military checkpoints en route to different destinations.	<i>Krnojelac</i> TJ, para. 18.
736.	<del>Before the armed conflict had started, Muslim civilians in Foča were removed from their social and professional lives, their salaries remained unpaid or they were told their services were no longer needed. Most Muslim men were disarmed. Complete ostracism soon followed with freedom of Muslims to move about and to gather critically curtailed.</del>	<i>Kunarac et al.</i> TJ, para. 571.
737.	<del>The SDS political propaganda grew more aggressive, and the outbursts of violence and house burning more frequent.</del>	<i>Kunarac et al.</i> TJ, para. 572.
738.	By 7 April 1992, there was a Serb military presence in the streets, and some people failed to report for work, fearful of the rising tensions in the town. A number of Serbs were mobilised on that day and issued with weapons. That night, Serbs took over the Foča radio station, the warehouse of the regional medical centre and the Territorial Defence warehouse where weapons were stored.	<i>Krnojelac</i> TJ, para. 19.
739.	On 8 April 1992, an armed conflict between the Serb and Muslim forces broke out in Foča.	<i>Kunarac et al.</i> TJ, para. 567.
740.	On 8 April 1992, roadblocks were set up throughout the town.	<i>Krnojelac</i> TJ, para. 20.
741.	Sometime between 8.30 and 10.00 am on 8 April 1992, the main Serb attack on Foča town began, with a combination of infantry fire and shelling from artillery weapons in nearby Kalinovik and Miljevina. Serb forces included local soldiers as well as soldiers from Montenegro and Yugoslavia, and in particular a paramilitary formation known as the White Eagles.	<i>Krnojelac</i> TJ, para. 20.
742.	On 8 April 1992, most of the shooting and shelling was directed at predominantly Muslim neighbourhoods, in particular Donje Polje, but the Serbs also attacked mixed neighbourhoods such as Cohodor Mahala.	<i>Krnojelac</i> TJ, para. 20.
743.	Despite Muslim resistance, consisting mostly of infantry concentrated in Donje Polje and Šukovac, Serb forces proceeded to take over Foča area by area, including eventually the hospital and the KP Dom prison facility.	<i>Krnojelac</i> TJ, para. 20.
744.	The military attack resulted in large numbers of wounded civilians, most of them Muslims.	<i>Krnojelac</i> TJ, para. 20.

Proposed Fact No.	Adjudicated Fact	Source
745.	It took about a week for the Serb forces to secure Foča town and about ten more days for them to be in complete control of Foča municipality.	<i>Kunarac et al.</i> TJ, para. 567.
746.	During the conflict, many civilians hid in their houses, apartments, basements of their apartment buildings, or with relatives in other areas of town; others left Foča altogether, thinking they would be safer.	<i>Krnojelac</i> TJ, para. 21.
747.	Many of the Muslims in hiding gave up their personal weapons so that they could not be accused of participating in the conflict. The attack continued for six or seven days, although the worst shelling and damage took place in the first few days.	<i>Krnojelac</i> TJ, para. 21.
748.	Foča town fell to the Serbs somewhere between 15 and 18 April 1992, with many of the Muslims who had remained during the fighting fleeing at that time.	<i>Krnojelac</i> TJ, para. 21.
<b>b. Attacks against Predominantly Muslims Villages and Areas in the Municipality</b>		
749.	Following the successful military take-over of Foča town, the attack against the non-Serb civilian population continued.	<i>Krnojelac</i> TJ, para. 22.
750.	Outside the town, Serb forces carried on their military campaign to take over or destroy Muslim villages in the Foča municipality.	<i>Krnojelac</i> TJ, para. 22.
751.	Villages in Foča municipality sustained attacks until some time in early June 1992.	<i>Krnojelac</i> TJ, para. 23.
752.	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 apartments were systematically ransacked or burnt down, Muslim villagers were rounded up or captured, and sometimes beaten or killed in the process.	<i>Kunarac et al.</i> TJ, para. 573.
753.	The village of Brod, four kilometres from Foča was attacked on 20 April 1992, after the village authorities did not respond to a Serb Crisis Staff demand that the village surrender.	<i>Krnojelac</i> TJ, para. 24.
754.	Serb forces in Miljevina, approximately 18 kilometres from Foča town in the direction of Kalinovik and Sarajevo, set the surrounding Muslim villages on fire, and arrested male Muslim civilians.	<i>Krnojelac</i> TJ, para. 24.
755.	Around 28 April 1992, Serb troops attacked Ustikolina where some Muslims had tried to form a resistance.	<i>Krnojelac</i> TJ, para. 25.
756.	After taking the village of Ustikolina, Serb forces continued attacking and destroying Muslim villages along the left bank of the Drina, downstream from Ošanica while the population fled or was killed.	<i>Krnojelac</i> TJ, para. 25.



Proposed Fact No.	Adjudicated Fact	Source
<b>c. Killings, Schedule A</b>		
<i>i. Schedule A, 5.1</i>		
757.	Serb troops followed fleeing Muslims in the direction of Goražde and captured the JNA fuel depot warehouse at Pilipovići where many Muslim civilians had been seeking shelter. At the warehouse, Muslim men were separated from women and children.	<i>Krnojelac</i> TJ, para. 23.
758.	After finding an SDA membership card which did not identify to whom it belonged, the Serb forces selected several men whose names were on a list and arbitrarily selected several others.	<i>Krnojelac</i> TJ, para. 23.
759.	In total, nine men were separated from the others and shot. Of these men, one escaped and one survived.	<i>Krnojelac</i> TJ, para. 23.
<i>ii. Schedule A, 5.2</i>		
760.	Jeleč, about 22 kilometres from Foča near Miljevina, was shelled and then attacked by infantry and taken over by Serb forces on 4 or 5 May 1992.	<i>Krnojelac</i> TJ, para. 24.
761.	When Serb forces set the village of Jeleč on fire, the population fled to a nearby forest. Muslims who stayed in their homes or who tried to escape were killed. Other male Muslim villagers were captured and detained in the Kalinovik and Bileća barracks and then transferred to the Foča KP Dom.	<i>Krnojelac</i> TJ, para. 24.
<i>iii. Schedule A, 5.3</i>		
762.	<del>In mid-June 1992, about 27 Muslim civilians, mostly women and children, were killed in the ethnically mixed Čohodor Mahala neighbourhood.</del>	<i>Krnojelac</i> TJ, para. 35.
<i>iv. Schedule A, 5.4</i>		
763.	On 3 July 1992, the Muslim village of Mješaja/Trošan, situated between Foča and Tjienstište, was attacked by Serb soldiers.	<i>Krnojelac</i> TJ, para. 26.
764.	At the time of the attack, some Muslim villagers in Trošan continued living in their houses but would sleep in the woods at night and only return to their homes during the daytime. They were afraid because they were able to see other Muslim villages burning and they felt targeted because they were Muslim.	<i>Krnojelac</i> TJ, para. 26.
765.	Three villagers in Mješaja/Trošan were killed during the initial attack and, after capturing a group of about 50 Muslim villagers, a further group of seven male villagers were beaten and shot.	<i>Krnojelac</i> TJ, para. 26.

Proposed Fact No.	Adjudicated Fact	Source
<b>d. Measures taken against non-Serbs</b>		
766.	Immediately after the Serb take-over, restrictions were imposed on the non-Serb inhabitants. Muslims were referred to by Serb soldiers by the derogatory term "balija", and cursed when being arrested.	<i>Krnojelac</i> TJ, para. 27.
767.	Non-Serbs were arrested throughout the municipality of Foča. Muslim men were rounded up in the streets, separated from the women and children and from the Serb population.	<i>Krnojelac</i> TJ, para. 36.
768.	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.	<i>Krnojelac</i> TJ, para. 36.
769.	It was announced on the radio during the second half of April 1992 that the administration of the entire municipality of Foča would be run by the Serbs.	<i>Krnojelac</i> TJ, para. 28.
770.	From April 1992, Muslims were laid off from their jobs or were prevented or discouraged from reporting to work.	<i>Krnojelac</i> TJ, para. 28; <i>Kunarac et al.</i> TJ, para. 571.
771.	Although the Serb Crisis Staff ordered Serbs to return to work sometime at the end of April or beginning of May 1992, Muslims were not allowed to do so.	<i>Krnojelac</i> TJ, para. 28.
772.	Restrictions were placed on the movement of non-Serbs. 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 night curfew from 8.00 pm to 6.00 am imposed on all inhabitants.	<i>Krnojelac</i> TJ, para. 29.
773.	Muslims were forbidden to meet with each other, and had their phone lines cut off.	<i>Krnojelac</i> TJ, para. 29.
774.	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.	<i>Krnojelac</i> TJ, para. 29.
775.	Military checkpoints were established, controlling access in and out of Foča and its surrounding villages.	<i>Krnojelac</i> TJ, para. 29.
776.	In April and May 1992, Muslim households were searched by the Serb military police or soldiers for weapons, money and other items.	<i>Krnojelac</i> TJ, para. 30.
777.	Serb houses were not searched, or at most were searched superficially.	<i>Krnojelac</i> TJ, para.

Proposed Fact No.	Adjudicated Fact	Source
		30.
778.	Muslims were ordered to surrender their weapons while Serbs were allowed to keep theirs.	<i>Krnojelac</i> TJ, para. 30.
779.	Muslim businesses were looted or burned, or had equipment confiscated.	<i>Krnojelac</i> TJ, para. 30.
780.	Civilians were beaten upon arrest and during transportation to detention facilities from neighbourhoods in town or from villages in the municipality.	<i>Krnojelac</i> TJ, para. 34.
781.	On one occasion, a Serb soldier severely kicked and beat with a chair three patients in Foča hospital after learning that they were Muslim. The beating stopped only when the doctor intervened and called the police.	<i>Krnojelac</i> TJ, para. 34.
<b>e. TO Military Warehouses at Livade – Schedule C, 10.6</b>		
782.	During the conflict, many of the Muslims arrested were taken to be detained at the Territorial Defence military warehouses at Livade.	<i>Krnojelac</i> TJ, para. 37.
783.	Around 14 or 15 April 1992, Muslims and some Serbs were arrested in the centre of Foča town.	<i>Krnojelac</i> TJ, para. 37.
784.	While the Serbs were allowed to return home after a few hours, the Muslims were required to stay.	<i>Krnojelac</i> TJ, para. 37.
785.	Between 14 and 17 April 1992, Muslim civilians from other areas of Foča town were arrested and detained in Livade, including several doctors and medical staff from Foča hospital.	<i>Krnojelac</i> TJ, para. 38.
786.	During the arrests, several of the detainees were severely beaten up and injured.	<i>Krnojelac</i> TJ, para. 38.
<b>f. Karaman's House in Miljevina, Worker's Huts at Buk Bijela, Partizan Hall and Foča High School – Schedule C, 10.2, 10.4, 10.5 &amp; 10.7</b>		
787.	Muslim women were transferred to Buk Bijela, Foča High School and Partizan Sports Hall. Serb soldiers repeatedly raped Muslim women and girls, either at these locations or elsewhere.	<i>Krnojelac</i> TJ, para. 39; <i>Kunarac et al.</i> TJ, paras. 28, 31-37.
788.	Girls, women and some elderly men who were at Buk Bijela were transported by bus to Foča and kept in the Foča High School, which was situated in the Aladža neighbourhood of Foča.	<i>Kunarac et al.</i> TJ, para. 28.

Proposed Fact No.	Adjudicated Fact	Source
789.	On their way from Buk Bijela to Foča High School, the buses with the Muslim women stopped for several minutes in front of the SUP, the local police station. Some of the soldiers who were in the bus got off and entered the police station or talked to the chief of Foča's police, Dragan Gagović, in front of the buses.	<i>Kunarac et al. TJ, para. 34.</i>
790.	When they tried to seek the protection of the police, the women were treated rudely and their complaints were ignored. One woman personally complained to Dragan Gagović. However, no action was taken to address the women's complaints and the conditions did not improve. One night in mid-July, as she was trying to escape, one woman tried to seek refuge in the police building but as she was approaching it, the policeman standing guard hit her with the butt of his rifle.	<i>Kunarac et al. TJ, para. 34.</i>
791.	At Foča High School, there were one or two guards working in shifts who would prevent the detainees from escaping, but they would not prevent soldiers from entering the facilities. The detainees felt at the complete mercy of their captors.	<i>Kunarac et al. TJ, para. 32.</i>
792.	Soldiers and policemen would come constantly, sometimes several times a day; they would point at women and girls or call them by their names and take them out for rape. The women had no choice but to obey those men and those who tried to resist were beaten in front of the other women.	<i>Kunarac et al. TJ, para. 35.</i>
793.	At Foča High School the girls and women were generally taken for a few hours and returned, sometimes overnight, and some of them were taken away every day. After about 10-15 days, most of the women were transferred to Partizan Sports Hall.	<i>Kunarac et al. TJ, para. 36.</i>
794.	At Partizan, some women were taken out so often, by so many soldiers, that they are consequently unable to assess with precision the number of times they had been raped. One woman roughly estimated that during the entire period of her detention at both Foča High School and Partizan, that is, about 40 days, she was raped approximately 150 times.	<i>Kunarac et al. TJ, para. 37.</i>
795.	The chief of Foča police, Dragan Gagović, was seen at Foča High School and Partizan.	<i>Kunarac et al. TJ, para. 38.</i>
796.	The guards at Partizan, as had been the case at Foča High School, did not try to prevent soldiers from entering the hall.	<i>Kunarac et al. TJ, para. 39.</i>
797.	The house at Ulica Osmana Đikića no 16 served as the soldiers' headquarters and meeting point. Among those who lived there more or less permanently were Dragan or Dragutin/Dragomir Vuković (aka "Gaga"), Miroslav Kontić (aka "Konta"), witnesses known as "DP 7" and "DP 8" in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T), Jure Radović, Dragan Toljić (aka "Tolja"), Bane, Miga and Puko. Several women were brought to this house on several occasions and raped. Some other women and girls were also taken to this house on several occasions for similar abuse.	<i>Kunarac et al. TJ, para. 40.</i>

Proposed Fact No.	Adjudicated Fact	Source
798.	Dragoljub Kunarac was the leader of a permanent reconnaissance group of about 15 men (including Montenegrin soldiers), which was part of the local Foča Tactical Group or brigade. An order by the commander of the Foča Tactical Group of 7 July 1992 to break the siege of Goražde mentions an instruction to the "Independent Žaga Detachment" to participate in the mopping-up of settled areas in the direction of the 5 <sup>th</sup> Battalion's attack.	<i>Kunarac et al.</i> TJ, para. 49.
799.	Dragomir "Gaga" Vuković, Jagos Kontić, and DP 7 were members of this group led by Dragoljub Kunarac.	<i>Kunarac et al.</i> TJ, para. 50.
800.	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.	<i>Kunarac et al.</i> TJ, para. 583.
801.	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 no 16. There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself.	<i>Kunarac et al.</i> TJ, para. 584.
802.	<del>Kunarac took two Bosnian Muslim women several times to his headquarters at Ulica Osmana Đikića no. 16, where his soldiers were housed. At the end of July 1992, Kunarac, together with his deputy "GAGA", took the two women to this house for the first time. When they arrived at the headquarters, a group of soldiers were waiting. Kunarac took one of the women to a separate room and raped her, while the other was left behind together with the other soldiers. For about 3 hours, that woman was gang-raped by at least 15 soldiers (vaginal and anal penetration and fellatio). They sexually abused her in all possible ways. On other occasions in the headquarters, one to three soldiers, in turn, raped her.</del>	<i>Kunarac et al.</i> TJ, paras. 637, 653.
803.	Some of the women from Partizan and Kalinovik High School were at some point moved to different houses and apartments where they continued to be raped and mistreated. In particular, at "Karaman's house" in Miljevina, soldiers had easy access to women and girls whom they raped.	<i>Kunarac et al.</i> TJ, para. 41.
804.	Witnesses known as FWS-191 and FWS-186 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) were taken out of Kalinovik School together by Dragoljub Kunarac and "Gaga" on 2 August 1992, driven by them to a house in the Alad'a area and, from there, to the house in Trnovače.	<i>Kunarac et al.</i> TJ, para. 724.
805.	Upon arrival at the house in the Alad'a area, the girls were told where to sleep. The witness known as FWS-191 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) was assigned to Kunarac, he ordered her to undress and he tried to rape her while his bayonet was placed on the table.	<i>Kunarac et al.</i> TJ, para. 724.
806.	Kunarac did not entirely succeed in penetrating FWS-191 because, as FWS-191 was still a virgin, she was rigid with fear. He succeeded in taking away her virginity the next day. Kunarac knew that she did not consent, and he rejoiced at the idea of being her "first", thereby degrading her more.	<i>Kunarac et al.</i> TJ, para. 724.

Proposed Fact No.	Adjudicated Fact	Source
807.	On 2 August 1992, Dragoljub Kunarac went to Partizan Sports Hall where he took out four women and drove them to the house in Ulica Osmana Đikića no 16, where some women who had been taken out of the Kalinovik school had already arrived.	<i>Kunarac et al.</i> TJ, para. 670.
808.	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 in the knowledge that she did not consent. She was also raped by other soldiers that same night. Two other women were repeatedly raped by other soldiers.	<i>Kunarac et al.</i> TJ, para. 670.
809.	On 2 August 1992, Dragoljub 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.	<i>Kunarac et al.</i> TJ, paras. 717-727.
810.	On 3 August 1992, Kunarac went back from Trnovače to the house in Ulica Osmana Đikića no 16 where he took four women, and, possibly in the company of DP 3, he drove them to Miljevina. There, the women were handed over to DP 3's men and brought to "Karaman's house". While kept in this house, the girls were constantly raped.	<i>Kunarac et al.</i> TJ, para. 625.
811.	Dragoljub Kunarac took one Muslim woman out of Partizan and drove her to Ulica Osmana Đikića no 16 together with "Gaga". She was raped there first by "Gaga" and two other men and then forced to have sexual intercourse with Dragoljub Kunarac because she had been threatened with death by "Gaga". Dragoljub Kunarac had sexual intercourse with her in the full knowledge that she did not freely consent. Kunarac was fully aware of the rapes inflicted upon her by the other soldiers.	<i>Kunarac et al.</i> TJ, para. 647.
812.	A second Muslim woman was gang-raped in the same house, while the first woman was being raped by the three soldiers and Dragoljub Kunarac. The second woman was taken to a separate room by "Gaga" who ordered her to have sex with a 16-year-old boy nicknamed "Zuca".	<i>Kunarac et al.</i> TJ, para. 648.
813.	The Muslim civilians held at Kalinovik School, Foča High School and Partizan Sports Hall were kept in unhygienic conditions and without hot water. Muslim civilians held at these locations were provided with insufficient food. 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.	<i>Kunarac et al.</i> TJ, paras. 575-576.
814.	The head of Foča police forces, Dragan Gagovic, was one of the men who came to these detention centres (Kalinovik School, Foča High School and Partizan Sports Hall) to take women out and rape them.	<i>Kunarac et al.</i> TJ, para. 576.
815.	On or around 18 or 19 August 1992, Serb soldiers transferred a witness known as FWS-132 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) to Karaman's house.	<i>Kunarac et al.</i> TJ, para. 334.

Proposed Fact No.	Adjudicated Fact	Source
816.	FWS-132 spent several hours in this house before being taken for interrogation to the police station in Miljevina.	<i>Kunarac et al.</i> TJ, para. 334.
817.	Afterwards, FWS-132 was returned to Karaman's house where she spent the rest of the day. In Karaman's house, there were already seven other girls.	<i>Kunarac et al.</i> TJ, para. 334.
818.	After spending that night at Karaman's house, FWS-132 was taken back to her home. She stayed there until the beginning of September when she was taken out of the house by three soldiers and transferred back to Karaman's house where she stayed until 21 March 1993.	<i>Kunarac et al.</i> TJ, para. 334.
819.	FWS-132 was continuously raped while she lived at Karaman's house.	<i>Kunarac et al.</i> TJ, para. 335.
820.	A witness known as FWS-75 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) spent about three months at Karaman's house until she left on 30 October 1992	<i>Kunarac et al.</i> TJ, para. 176.
821.	Sometime in either September or October 1992, Dragoljub Kunarac went to "Karaman's house" and took FWS-87 to a room on the upper floor of the house where he forced her to have sexual intercourse in the knowledge that she did not consent.	<i>Kunarac et al.</i> TJ, para. 701.
<b>g. KP Dom Foča – Schedule C, 10.1</b>		
822.	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 Foča and its environs. Subsequent to their arrest, the men were transferred to the KP Dom.	<i>Krnojelac</i> TJ, para. 116.
823.	On 17 April 1992, all the male Muslim civilians detained at Livade were transferred to the KP Dom, which had served as a prison prior to the conflict. 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.	<i>Krnojelac</i> TJ, para. 40.
824.	At its peak in the summer of 1992, there were about 500-600 detainees at the KP Dom. The number decreased from the autumn of 1992 until 1993 when about 200-300 detainees remained. Around October 1994, the last detainees, by then numbering less than 100, were released.	<i>Krnojelac</i> TJ, para. 41, footnote 142.
825.	Muslim civilians were detained at KP Dom for periods lasting from four months to more than two and a half years.	<i>Krnojelac</i> TJ, para. 41; <i>Kunarac et al.</i> TJ, para. 26.

Proposed Fact No.	Adjudicated Fact	Source
826.	Some Serbs were also held in the KP Dom 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, nor was their continued confinement subject to review.	<i>Krnojelac</i> TJ, para. 438.
827.	Apart from a short period at the beginning of their detention at the KP Dom, Muslim detainees were denied any contact with the outside world or with their families, and (for a long time) with the Red Cross. The legality of their detention was never reviewed by the Serb authorities.	<i>Krnojelac</i> TJ, para. 42.
828.	None of the detainees was ever actually charged, tried or convicted for any crime before being detained or while detained at the KP Dom.	<i>Krnojelac</i> TJ, para. 121.
829.	None of the detainees was ever advised of their procedural rights before or during their detention.	<i>Krnojelac</i> TJ, para. 121.
830.	Those detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national and/or international law. They were, <i>inter alia</i> , doctors and medical health workers, journalists, former KP Dom employees, managers, police officers and other persons of civilian status.	<i>Krnojelac</i> TJ, para. 122.
831.	In addition to the mainly civilian population at the KP Dom, there were a small number of Muslim soldiers kept in isolation cells separately from the civilian Muslim detainees.	<i>Krnojelac</i> TJ, para. 117.
832.	The only personal characteristic which featured in the decision to detain non-Serb men from Foča and its environs was their non-Serb ethnicity, the overwhelming majority of those detained being Muslim. No consideration was given to age, state of health or civilian status. The detainees ranged in age from 15 years to almost 80 years.	<i>Krnojelac</i> TJ, para. 118.
833.	During the first 2-4 weeks after the start of the conflict, the KP Dom was "policed" by military units.	<i>Krnojelac</i> TJ, footnote 298.
834.	Inside the KP Dom it was mainly members of the military who supervised the Muslim detainees during their first weeks of captivity.	<i>Krnojelac</i> TJ, footnote 298.
835.	From about 18 or 19 April 1992 onwards, at around the same time that Krnojelac was appointed warden, former Serb guards from the KP Dom returned to carry out their work assignments.	<i>Krnojelac</i> TJ, footnote 298.
836.	As both temporary warden and warden, Krnojelac was responsible to the Ministry of Justice, and to a certain extent to the Military Command.	<i>Krnojelac</i> TJ, para. 104.



Proposed Fact No.	Adjudicated Fact	Source
837.	One important ramification of the lease agreement with the military was that it was the Military Command and, in particular, Commander Kovač and not the Ministry of Justice who had power to make decisions concerning which non-Serb detainees would be detained in and released from the KP Dom. In this respect, Krnojelac was obliged to forward requests for release of these detainees to the Crisis Staff or the Foča Tactical Group.	<i>Krnojelac</i> TJ, para. 104.
838.	The military did, however, 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 the KP Dom.	<i>Krnojelac</i> TJ, para. 104.
839.	The Military Command could also make decisions about which persons would be permitted to enter the KP Dom, and it had some power over the appointment of persons to work assignments at the KP Dom and the type of work to be completed by persons assigned to work at the KP Dom.	<i>Krnojelac</i> TJ, para. 104.
840.	Members of the military would enter the KP Dom, although they needed the prior permission of the military authorities. Krnojelac was able to ensure that such persons did not remove detainees from the KP Dom without the appropriate authority from the Military Command.	<i>Krnojelac</i> TJ, para. 105.
841.	The non-Serb detainees were forced to endure brutal and inadequate living conditions while being detained at the KP Dom, as a result of which numerous individuals have suffered lasting physical and psychological problems.	<i>Krnojelac</i> TJ, para. 440.
842.	The non-Serb detainees were deliberately housed in cramped conditions. The 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.	<i>Krnojelac</i> TJ, para. 135.
843.	Solitary confinement cells designed to hold one person were packed with up to 18 people at a time, making it impossible for the detainees to move around the cell, or to sleep lying down.	<i>Krnojelac</i> TJ, para. 135.
844.	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. Because of the overcrowding, not everyone had a bed or even a mattress, and there were insufficient blankets.	<i>Krnojelac</i> TJ, para. 440.
845.	Hygienic conditions were deplorable and washing facilities minimal. Access to baths or showers, with no hot water, was irregular at best. There were insufficient hygienic products and toiletries.	<i>Krnojelac</i> TJ, paras. 44, 440.
846.	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.	<i>Krnojelac</i> TJ, para. 136; <i>Kunarac et al.</i> TJ, para. 27.

Proposed Fact No.	Adjudicated Fact	Source
847.	Changes of clothes or facilities for washing clothes were not supplied. As a result of these conditions, chicken lice spread from the prison farm to the rooms of the detainees.	<i>Krnojelac</i> TJ, para. 136.
848.	The rooms in which the non-Serbs were held did not have sufficient heating during the harsh winter of 1992. Heaters were deliberately not placed in the rooms, windowpanes were left broken and clothes made from blankets to combat the cold were confiscated.	<i>Krnojelac</i> TJ, para. 440.
849.	Stoves and furnaces had been produced to heat the offices in the administration building, and there was sufficient raw material for such furnaces to have been produced for the non-Serb detainees. However, it was not until October 1993 that furnaces were finally provided to the non-Serb detainees, and then it was by the ICRC.	<i>Krnojelac</i> TJ, para. 137.
850.	The suffering of the non-Serb detainees during the winter of 1992 was the result of a deliberate policy on the part of those in charge of the KP Dom.	<i>Krnojelac</i> TJ, para. 138.
851.	Non-Serb detainees were fed starvation rations leading to severe weight loss and other health problems. They were not allowed to receive visits after April 1992 and therefore could not supplement their meagre food rations and hygienic supplies.	<i>Krnojelac</i> TJ, para. 440.
852.	There may have been a general shortage of food in the Foča region during the conflict, but there was a deliberate policy to feed the non-Serb detainees barely enough for their survival. In contrast, Serb convicts and detainees received "regular army food", not very appetising but nutritious enough to prevent serious weight loss.	<i>Krnojelac</i> TJ, para. 139.
853.	The contrast between the weight loss of non-Serb detainees and the Serb prisoners makes it apparent that non-Serb detainees were fed much less than the Serb detainees.	<i>Krnojelac</i> TJ, para. 139.
854.	Medical care was inadequate and medicine 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.	<i>Krnojelac</i> TJ, paras. 44, 440.
855.	Detainees who were kept in isolation cells and solitary confinement were denied all access to medical care.	<i>Krnojelac</i> TJ, para. 141.
856.	Non-Serb detainees who arrived at the 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 the KP Dom.	<i>Krnojelac</i> TJ, para. 141.
857.	Essentially two categories of individuals were involved in the beating of non-Serb detainees: guards of the KP Dom and people coming from outside of the KP Dom.	<i>Krnojelac</i> TJ, para. 317.

Proposed Fact No.	Adjudicated Fact	Source
858.	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. These 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.	<i>Krnojelac</i> TJ, para. 317.
859.	Individuals or groups of armed soldiers were allowed into the KP Dom compound during the first months of the non-Serb civilians' detention.	<i>Krnojelac</i> TJ, para. 194.
860.	KP Dom guards and individuals coming from outside beat the inmates with their fists and feet or with batons.	<i>Krnojelac</i> TJ, para. 273.
861.	It was not unusual for detainees to be beaten by guards of the KP Dom or soldiers from outside the KP Dom while lining up for lunch in the compound or while being taken back and forth through the compound.	<i>Krnojelac</i> TJ, paras. 194, 448.
862.	Sometime in October 1992, and while lining up, a witness known as FWS-71 in <i>Prosecutor v. Krnojelac</i> (IT-97-25) and fellow 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. Mitar Rasević the Commander of the Guards of the KP Dom, as well as the guards who had escorted them, stood by and watched without interfering.	<i>Krnojelac</i> TJ, paras. 196, 449.
863.	Detainees were regularly taken out of their rooms or from the isolation cells by guards of the KP Dom, soldiers or policemen for the purpose of interrogations. 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.	<i>Krnojelac</i> TJ, para. 238.
864.	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.	<i>Krnojelac</i> TJ, para. 46.
865.	Any attempts made by non-Serb detainees to improve their living conditions in the camp were punished with solitary confinement.	<i>Krnojelac</i> TJ, para. 142.
866.	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.	<i>Krnojelac</i> TJ, para. 142.
867.	From April 1992 until July 1992 beatings took place on a frequent and systematic basis. KP Dom guards used lists in order to select those detainees to be taken out to the administrative building and beaten there. Some of the detainees were taken out and beaten on several occasions.	<i>Krnojelac</i> TJ, para. 248.

Proposed Fact No.	Adjudicated Fact	Source
868.	In the course of the summer 1992 prior to the month of July, Vahida Džemal, Enes Uzunović, Aziz Šahinović and Elvedin Čedić were severely beaten by guards of the KP Dom and military policemen, and they were then kept in solitary confinement for several days.	<i>Krnojelac</i> TJ, paras. 257, 457.
869.	Sometime in June or July 1992, Ramo Džendušić and Nail Hodžić were called out of their room, and were subsequently severely beaten by KP Dom guards Milenko Burilo, Dragomir Obrenović and other unidentified individuals on the ground floor of the administration building. The moans of the victims were heard by other detainees.	<i>Krnojelac</i> TJ, para. 275.
870.	Sometime in June or July 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. Frašto and Rikalo were taken together with Nurko Nisić and Esad Kiselica. The beating of these four men lasted for about two hours.	<i>Krnojelac</i> TJ, para. 276.
871.	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.	<i>Krnojelac</i> TJ, para. 280.
872.	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 the KP Dom, and a KP Dom guard, taken away and severely beaten. Their screams and moans were clearly heard by other detainees. They came back swollen and bruised.	<i>Krnojelac</i> TJ, para. 281.
873.	Sometime in mid-June 1992, Emir Mandžo was taken to the gate of the KP Dom and brutally beaten. Mandžo was placed on a chair while KP Dom guards or soldiers from outside the KP Dom took his shoes off and inserted his arms and legs through the frame of another chair.	<i>Krnojelac</i> TJ, para. 287.
874.	One of the principal offenders took a baton and beat Mandžo on the arms and legs. Zoran Vuković, a man from Josanica, hit him with his soldier's boot on the jaw, and he fainted. Another KP Dom guard, Zoran Matović, also took part in the beating.	<i>Krnojelac</i> TJ, para. 287.
875.	Two detainees were taken by troops to Kalinovik in an army truck and were then separated from the other twelve and taken to the police station. There they were kept in the prison and required to drive vehicles for the detection of landmines.	<i>Krnojelac</i> TJ, para. 410.
876.	Groups of detainees were transferred from the KP Dom to other camps in Bosnia and Herzegovina, including the camps at Kula, Kalinovik and Rudo.	<i>Krnojelac</i> TJ, para. 478.
877.	Detainees were taken out of the KP Dom on exchanges. These exchanges 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 the KP Dom. On some occasions they	<i>Krnojelac</i> TJ, para. 479.

Proposed Fact No.	Adjudicated Fact	Source
	would be beaten first, by KP Dom guards or military personnel.	
<b>h. Killings related to KP Dom Foča – Schedule B, 8.1</b>		
878.	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 accompany them for interrogations.	<i>Krnojelac</i> TJ, para. 333.
879.	They were taken into one of the rooms on the left and right hand sides of the staircase, or into a room which was situated in the left wing of the administration building, or the next room. There they were often beaten.	<i>Krnojelac</i> TJ, para. 333.
880.	The beatings lasted well into the evening and the sounds of the beating and the screams of the victims could be heard by other detainees at the KP Dom.	<i>Krnojelac</i> TJ, para. 333.
881.	When the beating stopped, victims were sometimes taken to an isolation cell. In other instances, the sound of pistol shots was heard.	<i>Krnojelac</i> TJ, para. 334.
882.	During and after the beatings, guards of the KP Dom were seen carrying blankets into the administration building and removing what appeared to be bodies in those blankets.	<i>Krnojelac</i> TJ, para. 335.
883.	Blood and bloodied instruments were seen in the rooms where the beatings occurred.	<i>Krnojelac</i> TJ, para. 335.
884.	The guards of the KP Dom participated with the military in the killing of detainees at the KP Dom.	<i>Krnojelac</i> TJ, para. 339.
885.	Alija Altoka, Hamid "Salem" Bico, Abdurahman Čankušić, Refik Čankušić, Elvedin "Enko" Cedić, Kemal Dželilović, Ramo Džendusić, Adil Granov, Mate Ivancić, Esad Kiselica, Halim Konjo, Adil Krajčin, Mustafa Kuloglija, Fuad Mandžo, Krunoslav Marinović, Nurko Nisić, Hamid Ramović, Husein Rikalo, Mithat Rikalo, Zaim Rikalo, Seval Soro, Kemal Tulek, Enes Uzunović, D'emal Vahida, Munib Veiz, and Zulfö Veiz died as a result of the acts of members of the military coming from outside into the KP Dom and of the guards of the KP Dom.	<i>Krnojelac</i> TJ, para. 339.
886.	Sometime in June or July 1992, Kemo or Kemal Dželilović, Halim Konjo, Mustafa Kuloglija, Mithat and Zaim Rikalo and Munib Veiz 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.	<i>Krnojelac</i> TJ, para. 274.
887.	When the sounds of the beating died down, several detainees heard shots being fired and a witness known as FWS-54 in <i>Prosecutor v. Krnojelac</i> (IT-97-25) saw Matović leaving the administration building and coming back carrying blankets. Shortly thereafter, FWS-54 heard a vehicle leaving the 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	<i>Krnojelac</i> TJ, para. 274.

Proposed Fact No.	Adjudicated Fact	Source
	detainees ever returned, nor were they ever heard of again.	
888.	During his detention, in June and July 1992, Adnan Granov was repeatedly beaten by unidentified individuals, KP Dom guards and/or soldiers from outside the KP Dom, including military policemen, on the ground floor of the administration building. He was accused of having travelled to Germany before the war to obtain weapons and of having illegally transmitted radio messages.	<i>Krnojelac</i> TJ, para. 277.
889.	Granov was eventually taken away and he disappeared.	<i>Krnojelac</i> TJ, para. 277.
890.	In September 1992, Rasim Kajgana was taken out of the KP Dom and never seen again.	<i>Krnojelac</i> TJ, para. 283.
891.	Azim Mesbur was taken out of his room sometime in September 1992 and was never seen again.	<i>Krnojelac</i> TJ, para. 290.
892.	Mensud Pašović was taken away at some point during the summer of 1992 and never seen again.	<i>Krnojelac</i> TJ, para. 292.
893.	Nećko Rikalo was taken out sometime in late June or early July 1992 and never returned.	<i>Krnojelac</i> TJ, para. 295.
894.	Haso Selimović was taken out and never returned.	<i>Krnojelac</i> TJ, para. 298.
895.	Ševal Šoro was taken away and never returned.	<i>Krnojelac</i> TJ, para. 302.
896.	Around 17 or 18 September 1992, between 35-60 detainees were taken out of the KP Dom in two groups, having been told that they were going to pick plums. Detainees were first asked to volunteer for plum-picking duty, but they were in fact eventually selected by KP Dom guards according to a list.	<i>Krnojelac</i> TJ, para. 484.
897.	Those selected for the job were told by the guards not to take their belongings. Detainees who were taken away for plum picking did not return to the KP Dom and were never seen again.	<i>Krnojelac</i> TJ, para. 484.
898.	The bodies of two of those detainees, Murat Crneta and Halid Konjo, were later discovered close to the Goražde frontline near Previla in Bosnia and Herzegovina in a mass grave.	<i>Krnojelac</i> TJ, para. 484.
899.	Many of the detainees alleged to have been murdered at the KP Dom had been subject to earlier beatings or acts of torture at the KP Dom. After their release from the KP Dom, many other detainees made contact with the families of the victims. The families informed them that they had received no	<i>Krnojelac</i> TJ, para. 337.

Proposed Fact No.	Adjudicated Fact	Source
	contact from those alleged to have been murdered, and they had been unable to trace the victims.	
900.	Many detainees taken out for exchange simply disappeared. Witnesses confirmed the fact that the "exchanged" detainees had disappeared after they were themselves released or exchanged, either through contact with the families of those that had disappeared, through other former detainees years later, or through attempts to get information from the ICRC about relatives.	<i>Krnojelac</i> TJ, para. 479.
901.	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 the bus on which they were being transported was intercepted in Nikšić, Montenegro, by Pero Elez, a Bosnian-Serb soldier, who sent the group back to the 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.	<i>Krnojelac</i> TJ, para. 482.
<b>i. Property related Crimes</b>		
902.	During the attack, neighbourhoods were destroyed systematically. Muslim houses were set ablaze by Serb soldiers during the battle for control of the town as well as after the town had been secured.	<i>Krnojelac</i> TJ, para. 31.
903.	Donje Polje, the largely Muslim neighbourhood of Šukovać, and Muslim houses in Kamerici and in Granovski Sokak were burned.	<i>Krnojelac</i> TJ, para. 31.
904.	The old town neighbourhood of Prijeka Čaršija with its oriental-Islamic style market, was burned down on or around 12 April 1992.	<i>Krnojelac</i> TJ, para. 31.
905.	On one occasion, Muslim houses were found devastated beside an untouched Serb apartment identified with a note saying "Serb apartment — do not torch".	<i>Krnojelac</i> TJ, para. 31.
906.	As Muslim houses burned, fire engines protected Serb houses.	<i>Krnojelac</i> TJ, para. 31.
907.	Other Muslim houses were dismantled for the materials, or reallocated to Serbs who had lost their own homes.	<i>Krnojelac</i> TJ, para. 32.
908.	Several mosques in Foča town and municipality were burned or otherwise destroyed.	<i>Krnojelac</i> TJ, para. 33.
909.	Muslim houses in Pilipovići and the neighbouring village of Paunci were burned to the ground around 25 or 26 April 1992.	<i>Krnojelac</i> TJ, para. 25.

Proposed Fact No.	Adjudicated Fact	Source
910.	After taking the village of Ustikolina, Serb forces set fire to Muslim houses.	<i>Krnojelac</i> TJ, para. 25.
<b>j. Destruction of Sacred Sites listed in Schedule D, 10</b>		
911.	The Aladža mosque dating from 1555 and under UNESCO protection was blown up, and the mosque in the Granovski Sokak neighbourhood was destroyed.	<i>Krnojelac</i> TJ, para. 33.
912.	The mosque in Jeleč was burned and its minaret destroyed.	<i>Krnojelac</i> TJ, para. 33.
913.	Serb fire brigades stood by and watched as mosques burned.	<i>Krnojelac</i> TJ, para. 33.
<b>k. Removal of non-Serbs</b>		
914.	In May 1992, buses were organised to take civilians out of town, and around 13 August 1992 the remaining Muslims in Foča, mostly women and children, were taken away to Rožaje, Montenegro.	<i>Krnojelac</i> TJ, para. 49.
915.	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 Gorazde.	<i>Krnojelac</i> TJ, para. 49.
916.	<del>In January 1994, the Serb authorities crowned their complete victory—their “gaining supremacy” over the Muslims—by renaming Foča “Srbinje”, literally “the town of the Serbs”.</del>	<i>Kunarac et al.</i> TJ, para. 577.
917.	By the end of the war in 1995, Foča had become an almost purely Serb town.	<i>Krnojelac</i> TJ, para. 49.
<b>8. The Municipality of Ključ</b>		
<b>a. Killings, Schedule A</b>		
<i>i. Schedule A, 7.1</i>		
918.	Pudin Han is a village in the Ključ municipality which prior to the conflict had approximately 900 inhabitants, almost all of whom were Bosnian Muslims.	<i>Brđanin</i> TJ, para. 423.
919.	On 28 May 1992, the Ključ Municipality Crisis Staff issued an ultimatum to Bosnian Muslims to surrender their weapons.	<i>Brđanin</i> TJ, para. 108.
920.	After the Ključ Crisis Staff issued its ultimatum on 28 May 1992, during a meeting at the youth centre in Pudin Han, the vast majority of inhabitants of Pudin Han were in favour of surrendering their weapons. Those who disagreed left for Bihać.	<i>Brđanin</i> TJ, para. 423.



Proposed Fact No.	Adjudicated Fact	Source
921.	Even before the ultimatum expired, the shelling of Pudín Han from locations controlled by Bosnian Serbs started. At a minimum, three civilians from Pudín Han died as a consequence of the shelling.	<i>Brđanin</i> TJ, para. 423.
<i>ii. Schedule A, 7.2</i>		
922.	An attack on Prhovo commenced on 1 June 1992 with heavy shooting. Marko Adamović, a Bosnian Serb from Humići, was in command of the operation. Some of the Bosnian Serbs wore JNA camouflage uniforms, but there were also masked armed civilians.	<i>Brđanin</i> TJ, para. 424.
923.	Residents of Prhovo were ordered to gather in front of Karanfil Osmanović's house. Four Bosnian Muslim men were called out by name, told to run away, and then shot dead.	<i>Brđanin</i> TJ, para. 424.
924.	At least seven Bosnian Muslim civilians were killed during the attack on Prhovo, including a man who was dragged to death by a truck, as well as two women who died because their hands or legs had been blown off.	<i>Brđanin</i> TJ, para. 424.
925.	Later on, about 30 Bosnian Muslim men from Prhovo were ordered to form a column and walk to the nearby village of Peći. Bosnian Serb soldiers killed three Bosnian Muslim men after they had failed to drag out from the mud a military vehicle.	<i>Brđanin</i> TJ, para. 425.
926.	Before the column reached Peći, a total of 18 men were killed, reducing the number of those that survived to 12.	<i>Brđanin</i> TJ, para. 425.
927.	Sulejman Medanović, having survived the walk, died during the following night as a result of beatings	<i>Brđanin</i> TJ, para. 425.
928.	At least 33 persons died in Prhovo village and on the road to Peći.	<i>Brđanin</i> TJ, para. 426.
<i>iii. Schedule A, 7.3</i>		
929.	In the village of Biljani, the hamlets of Brkići, Džaferagići, Botonići and Jakubovac were exclusively inhabited by Bosnian Muslims.	<i>Brđanin</i> TJ, para. 462.
930.	On 10 July 1992, Bosnian Serb special police and soldiers in JNA uniforms rounded up Bosnian Muslim men and women from the Biljani hamlets at the local school building. Between 120 and 150 men were confined in two classrooms. The men were then called out five by five. At least 144 men were killed in Biljani on that day.	<i>Brđanin</i> TJ, para. 462.
<b>b. SJB Building in Ključ and Nikola Mačkić Elementary School – Schedule C, 15.1 &amp; 15.2</b>		
931.	Following the Serb takeover of the municipality on 27 May, and during June 1992, Bosnian Muslim civilians from the town of Ključ and other villages in the municipality of Ključ were arrested, by the police and the Bosnian Serb military and taken to the SUP building and to the Nikola Mačkić School.	<i>Brđanin</i> TJ, para. 805.
<b>c. SJB Building in Ključ – Schedule C, 15.1</b>		
932.	The SUP building was situated in the town of Ključ.	<i>Brđanin</i> TJ, para. 806.

<b>Proposed Fact No.</b>	<b>Adjudicated Fact</b>	<b>Source</b>
933.	The SUP building was staffed and operated by the Bosnian Serb police. Vinko Kondić was the commander of the SJB and a member of the Ključ Crisis Staff.	<i>Brđanin</i> TJ, para. 806.
934.	Vinko Kondić, the commander of the SJB and a member of the Ključ Crisis Staff participated, together with 'Todo' Gajić, a police investigator, in the interrogations at the SUP building.	<i>Brđanin</i> TJ, para. 806.
935.	Those arrested were beaten in a gauntlet at the steps of the entrance to the SUP building with feet, fists, batons, rifle-butts and chair legs, and were subjected to ethnic slurs.	<i>Brđanin</i> TJ, para. 807.
936.	A prominent Bosnian Muslim was thrown down the stairs, and as a result carried into the SUP building unconscious, whilst another suffered a cut lip and broken ribs. As a result of the severity of the beatings, the former suffered a serious, lasting injury with continuing effects today.	<i>Brđanin</i> TJ, para. 807.
937.	Those arrested were beaten inside the SUP building, during and outside interrogations. The perpetrators of these beatings were Bosnian Serb police officers and local civilians.	<i>Brđanin</i> TJ, para. 808.
<b>d. Nikola Mačkić Elementary School – Schedule C, 15.2</b>		
938.	The Nikola Mačkić School was staffed by regular and reserve policemen.	<i>Brđanin</i> TJ, para. 810.
939.	Civilians taken to the Nikola Mačkić School were beaten when forced to run a gauntlet outside the school, when they were hit and struck with various objects such as sticks, bats and rifles, and were verbally abused. Those gauntlets were variously composed of Bosnian Serb civilians or of regular and reserve Bosnian Serb soldiers and policemen.	<i>Brđanin</i> TJ, para. 811.
940.	Beatings took place both during and outside interrogations, including the beating of a boy who was 16 and a half and still attending high school, despite the fact that his age was known to the interrogators.	<i>Brđanin</i> TJ, para. 812.
941.	Bosnian Muslim former police officers were the object of particularly severe physical abuse and humiliation at the Nikola Mačkić School. Atif Džafić, the former chief of the Ključ SJB, was taken before Captain 'Dusko' Milicević, an inspector of the Banja Luka CSB. Miličević beat another Bosnian Muslim police officer in Atif Džafić's presence whilst another captain beat Atif Džafić.	<i>Brđanin</i> TJ, para. 813.
942.	At the Nikola Mačkić School, one detainee who was bleeding as a result of the beatings was forced to lick his own blood off the floor, which others witnessed.	<i>Brđanin</i> TJ, para. 814.
943.	Detainees were forced to extend the three fingers in the Serbian salute.	<i>Brđanin</i> TJ, para. 814.
944.	The municipal authorities were aware that Bosnian Muslims were beaten by Bosnian Serbs in the Nikola Mačkić School.	<i>Brđanin</i> TJ, para. 815.

Proposed Fact No.	Adjudicated Fact	Source
<b>e. Velagići School – Schedule C, 15.3 &amp; Schedule B, 10.1</b>		
945.	<del>During the evening of 1 June 1992, Bosnian Serb police from the checkpoint at Velagići sent a man to the predominantly Bosnian Muslim hamlets of Vojići, Nežići, Hašići, Častovići and Hadžići. He informed the local population that they were obliged to come to Velagići.</del>	<i>Brđanin</i> TJ, para. 427.
946.	In the old primary school in Velagići, around a hundred residents from these hamlets were confined. Both Bosnian Serb policemen and soldiers were present.	<i>Brđanin</i> TJ, para. 427.
947.	Shortly before midnight, people were taken out from the Velagići school and ordered to line up in front of the building. Then, two Bosnian Serb soldiers armed with automatic rifles opened fire on them. At least 77 civilians were killed in this incident.	<i>Brđanin</i> TJ, para. 427.
<b>f. Property related Crimes</b>		
948.	Between 1 April 1992 and 31 December 1992, the houses belonging to Bosnian Muslims in the town of Ključ were destroyed by Bosnian Serb soldiers. The houses were first looted and then set on fire.	<i>Brđanin</i> TJ, paras. 619, 19.
949.	In mid-1992, many villages in the municipality of Ključ predominantly inhabited by Bosnian Muslim and by Bosnian Croats were shelled and houses and cars were set on fire and destroyed by Bosnian Serb forces. In the same period, villages attacked by Bosnian Serb forces included Krasulje, Gornja and Donja Sanica, Crljeni, the hamlet of Dragonvići, Pudín Han, Velagići, Biljani and its surrounding Bosnian Muslim hamlets, and Prhovo.	<i>Brđanin</i> TJ, para. 620.
950.	Bosnian Serb attacks upon Pudín Han, Prhovo, and Crljeni in mid-1992 were also accompanied with the looting of valuables, including electronic devices, vehicles, furniture, money and jewelry. Bosnian Serb soldiers, Bosnian Serb civilians and the Bosnian Serb police participated in the looting.	<i>Brđanin</i> TJ, paras. 620-621.
<b>g. Destruction of Sacred Sites listed in Schedule D, 13</b>		
951.	The Ključ town mosque and its minaret was destroyed in August 1992, during the night.	<i>Brđanin</i> TJ, para. 650.
952.	The Biljani Mosque was set on fire in the morning of 10 July 1992 when the village was attacked by Bosnian Serb forces.	<i>Brđanin</i> TJ, para. 650.
<b>h. Removal of non-Serbs</b>		
953.	In the municipality of Ključ, a number of convoys were organised prior to a convoy of approximately 1,000 people, the majority of whom included Bosnian Muslim women and children, that left Ključ for Travnik in late July 1992. People had to obtain the necessary documentation, and very few able-bodied men left in this convoy.	<i>Brđanin</i> TJ, para. 561.
954.	Convoys for Bosnian Muslims and Bosnian Croats leaving Ključ for Travnik were organised by the police, who issued the relevant documents.	<i>Brđanin</i> TJ, para. 562.

Proposed Fact No.	Adjudicated Fact	Source
955.	On 11 September 1992, approximately 500 Bosnian Muslims were transported to Travnik. At least two other Travnik-bound convoys left in September, including one in which an over-crowded convoy 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.	<i>Brđanin TJ</i> , para. 562.
956.	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 kilometers away from Travnik, whereupon they demanded money and valuables from the passengers, who then walked to Travnik.	<i>Brđanin TJ</i> , para. 563.
<b>9. The Municipality of Kotor Varoš</b>		
<b>a. Takeover of the Municipality</b>		
957.	<del>In Kotor Varoš 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 Večiči, Hrvačani, 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.</del>	<i>Brđanin TJ</i> , para. 111.
<b>b. Killings, Schedule A</b>		
<i>i. Schedule A, 8.1</i>		
958.	<del>On 25 June 1992, Bosnian Serb soldiers and police lined up a group of Bosnian Muslims and Bosnian Croats in front of the hospital in Kotor Varoš. Duško Vujičić, a police officer killed Miralem Avdić with two shots from his pistol from a close distance. The other men were then ordered to take Avdić's body to a place where there were already other dead bodies.</del>	<i>Brđanin TJ</i> , para. 428.
959.	<del>On 25 June 1992, in front of the hospital in Kotor Varoš, at least two detainees were killed.</del>	<i>Brđanin TJ</i> , para. 428.
<i>ii. Schedule A, 8.2</i>		
960.	<del>At least three Bosnian Muslim men from Dabovi were killed after Bosnian Serb soldiers had destroyed their village in mid-August of 1992. The men, all civilians, were taken to a nearby place and were summarily executed by the soldiers.</del>	<i>Brđanin TJ</i> , para. 429.
<i>iii. Schedule A, 8.3</i>		
961.	<del>At least eight Bosnian Muslim civilians were killed in the village of Hanifići in mid-August of 1992. Bosnian Serb forces had rounded up these persons and shot them dead in the local mosque, which was subsequently set on fire. Eight bodies have been retrieved and identified from the site of the mosque.</del>	<i>Brđanin TJ</i> , para. 430.

Proposed Fact No.	Adjudicated Fact	Source
<i>iv. Schedule A, 8.4</i>		
962.	In November 1992, a group of 200 Bosnian Muslim men, women and children from the Kotor Varoš area fled from the hostilities. From Večići, they decided to walk to Travnik during the night because they were afraid of the Bosnian Serbs.	<i>Brđanin</i> TJ, para. 432.
963.	Early in the morning, the group was ambushed by Bosnian Serbs soldiers. The group surrendered, following which they were taken to the school building in Grabovica and confined in classrooms.	<i>Brđanin</i> TJ, para. 432.
964.	The following day, women and children were separated from the men and put on buses. The men that stayed behind at the Grabovica school were all killed. 40 Bosnian Muslims were killed at the Grabovica school.	<i>Brđanin</i> TJ, para. 433.
<b>c. Mistreatment not related to Detention Facilities</b>		
965.	On 25 June 1992, in front of the Kotor Varoš hospital, Bosnian Serb soldiers in camouflage uniforms let loose a German shepherd on Enez Terzić, one of the detainees. Terzić was injured, but survived the attack.	<i>Brđanin</i> TJ, para. 501.
966.	Also in front of the hospital, a Bosnian Serb soldier from Mahovljani beat a number of detainees with a log until they fell to the ground unconscious. During the beating, he cursed their 'balija mothers'. A Bosnian Serb soldier nicknamed 'Mama' also participated in the beatings and ordered detainees to beat each other.	<i>Brđanin</i> TJ, para. 501.
<b>d. Detention Centres in the Municipality Generally – Schedule C, 16.1 – 16.4</b>		
967.	Beginning 11 June 1992 until November 1992, the first day of Bajram and the date when the Bosnian Serbs took over the municipality, Bosnian Muslim and Bosnian Croat civilians, were detained by Bosnian Serb soldiers and by police.	<i>Brđanin</i> TJ, para. 816.
968.	Detainees were variously confined at the Grabovica School, the police station, the prison or the sawmill in Kotor Varoš until November 1992.	<i>Brđanin</i> TJ, para. 816.
<b>e. SJB Building in Kotor Varoš – Schedule C, 16.1</b>		
969.	At least 10 Bosnian Croat and Bosnian Muslim men and one woman were detained at the police station.	<i>Brđanin</i> TJ, para. 820.
970.	The Chief of the SUP at the time was a Bosnian Serb, Savo Tepić. Slobodan Dubočanin was a member of the Banja Luka Special Unit present at the Kotor Varoš police station.	<i>Brđanin</i> TJ, para. 821.
971.	Beatings of detainees occurred upon entering the police station, when detainees were forced to run through gauntlets composed of, on occasion, members of the “Specialists”, in the course of which they were beaten with baseball bats, batons, rifle butts, fists, and were kicked.	<i>Brđanin</i> TJ, para. 822.
972.	Detainees at the police station were also beaten and abused during interrogation.	<i>Brđanin</i> TJ, para. 823.
973.	Detainees at the Kotor Varoš Police Station were beaten with batons, rifle	<i>Brđanin</i> TJ,

Proposed Fact No.	Adjudicated Fact	Source
	butts and chair legs and feet. Beatings in some cases were extremely severe and lengthy.	para. 823.
974.	A detainee was forced to eat his statement, which he had written in the Latin script, and forced to rewrite it in Cyrillic.	<i>Brđanin</i> TJ, para. 823.
975.	Outside interrogation, Bosnian Muslim and Bosnian Croat male and female detainees at the police station were forced by a Bosnian Serb policeman to perform sexual acts with each other, in front of a crowd of cheering men in police and Bosnian Serb military uniforms, some of whom were wearing red berets. Two other male detainees were forced to perform <i>fellatio</i> on each other by the "Specialists" whilst being subjected to ethnic slurs.	<i>Brđanin</i> TJ, para. 824.
<b>f. Kotor Varoš Prison – Schedule C, 16.2</b>		
976.	Bosnian Muslim and Bosnian Croat detainees were held in Kotor Varoš prison. These included women who were kept separate. There were about 145 male detainees in three different rooms.	<i>Brđanin</i> TJ, para. 826.
977.	Goran Zarić, aka "Điba" a policeman from Kotor Varoš, was the commander of the prison. He was replaced with Zdravko Žutić.	<i>Brđanin</i> TJ, para. 827.
978.	The length of detention at the Kotor Varoš prison varied from around seven days to 12 months, following which some were transferred to Manjača.	<i>Brđanin</i> TJ, para. 924.
979.	Food at the Kotor Varoš prison was severely insufficient – the detainees received a meal consisting of the soldiers' leftovers once every two or three days. Sometimes it was bad and caused the detainees dysentery and stomach problems.	<i>Brđanin</i> TJ, para. 928.
980.	Detainees were beaten upon arrival at the Kotor Varoš prison, with feet and fists, by policemen.	<i>Brđanin</i> TJ, para. 828.
981.	Detainees in Room Three were physically mistreated by outsiders in olive-drab camouflage uniforms, particularly at night. As a result of these beatings one detainee suffered several bone fractures to nose, teeth and ribs.	<i>Brđanin</i> TJ, para. 829.
982.	At the Kotor Varoš Prison, detainees were expected to clean the weapons of VRS soldiers. On one occasion Bosnian Croat detainees, having committed a mistake while cleaning, were punished by having to swallow the chemical solution used to clean the weapons' barrels.	<i>Brđanin</i> TJ, para. 830.
983.	In August 1992, the ICRC visited the detainees and did so again once a month after that.	<i>Brđanin</i> TJ, para. 929.
984.	"Nedo" Đekanović (president of the Kotor Varoš SDS), Zdravko Pejić (coordinator between Serbs in Banja Luka and Kotor Varoš) and Slobodan Župljanin (commander of the 22 <sup>nd</sup> Light Mountain Brigade, and Stojan Župljanin's brother) met the ICRC delegation on 3 October 1992 in the prison. The evening prior to the visit, detainees had to remove traces of maltreatment.	<i>Brđanin</i> TJ, para. 929.
<b>g. Killings related to Kotor Varoš Prison – Schedule B, 11.1</b>		
985.	Some detainees were beaten to death, or were executed after their beatings. Detainees in Room Three witnessed the deaths of other detainees as a result	<i>Brđanin</i> TJ,

Proposed Fact No.	Adjudicated Fact	Source
	of the beatings. Dubočanin had called some of these detainees out.	para. 831.
<b>h. Kotor Varoš Sawmill – Schedule C, 16.3</b>		
986.	<del>There were over three hundred Bosnian Muslim and Bosnian Croat women and children and elderly men held at the sawmill. They were guarded by Bosnian Serb soldiers from Kotor Varoš and by the 'Specialists' from Banja Luka.</del>	<i>Brđanin</i> TJ, paras. 832-833.
987.	<del>The older men held at the Kotor Varoš sawmill were mistreated by being forced to eat paper and drink petrol.</del>	<i>Brđanin</i> TJ, para. 834.
988.	<del>Female detainees were taken out during the night by Bosnian Serb soldiers who wore camouflage uniforms, and who were from Banja Luka, and by policemen from Kotor Varoš. At least two female detainees were raped.</del>	<i>Brđanin</i> TJ, para. 835.
<b>i. Property related Crimes</b>		
989.	<del>The towns <del>Towns</del> and villages in the municipality of Kotor Varoš were shelled by Bosnian Serb forces. When entering the villages, the Bosnian Serb forces looted and set the houses on fire.</del>	<i>Brđanin</i> TJ, para. 622.
990.	<del>The town of Kotor Varoš and the village of Vrbanjei was attacked by the Bosnian Serb army in June 1992.</del>	<i>Brđanin</i> TJ, para. 622.
991.	<del>In the village of Dabovci, Bosnian Serb forces frequently looted Bosnian Muslim homes.</del>	<i>Brđanin</i> TJ, para. 622.
992.	<del>Bosnian Serb forces destroyed the village of Večići by heavy artillery shelling and an air raid.</del>	<i>Brđanin</i> TJ, para. 623.
993.	<del>In mid-1992, the villages of Hanifići, Plitska and Kotor were attacked and set on fire by Bosnian Serb forces.</del>	<i>Brđanin</i> TJ, para. 623.
994.	<del>During the attack on Hrvačani, houses were either shelled or burned down. Furniture and other valuables inside the houses were looted by the Bosnian Serb forces.</del>	<i>Brđanin</i> TJ, para. 622.
<b>j. Destruction of Sacred Sites listed in Schedule D, 14</b>		
995.	<del>During attacks on villages in Kotor Varoš by Bosnian Serb forces in June and July 1992, the mosques in the villages of Vrbanjei and Hanifići were set on fire and mined.</del>	<i>Brđanin</i> TJ, para. 651.
996.	<del>The Roman Catholic Church in the town of Kotor Varoš was also set on fire within the summer months of 1992.</del>	<i>Brđanin</i> TJ, paras. 651, 642.
<b>k. Removal of non-Serbs</b>		
997.	<del>In Kotor Varoš in June or July 1992, 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.</del>	<i>Brđanin</i> TJ, para. 564.
998.	<del>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.</del>	<i>Brđanin</i> TJ, para. 564.

Proposed Fact No.	Adjudicated Fact	Source
999.	<del>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 Ćirkino Brdo. There were approximately 150-200 children gathered in the sawmill, and soldiers ordered those whose names had been called out from the whole group to board one of three buses that left towards Travnik.</del>	<i>Brđanin</i> TJ, para. 564.
1000.	<del>A number of other 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.</del>	<i>Brđanin</i> TJ, para. 565.
1001.	<del>A convoy of civilians, mostly Bosnian Muslim women and children, left the village of Grabovica in approximately mid to late October 1992. The convoy first traveled to Vrbanjei, and with thirteen other buses transporting mostly Bosnian Muslim women and children from Večići and surrounding villages, then left for Travnik.</del>	<i>Brđanin</i> TJ, para. 565.
<b>10. The Municipality of Prijedor</b>		
<b>a. Background and Takeover of the Municipality</b>		
1002.	The Prijedor municipality is located in north-western Bosnia and Herzegovina.	<i>Tadić</i> TJ, para. 55.
1003.	The Prijedor municipality includes the town of Prijedor and the town of Kozarac some 10 kilometres to its east.	<i>Tadić</i> TJ, para. 55.
1004.	The Prijedor municipality was significant to the Serbs because of its location as part of the land corridor that linked the Serb-dominated area in the Croatian Krajina to the west with Serbia and Montenegro to the east and south, which was said to be essential for supplying units of the VRS as it was the only land connection between western Bosnia and Serbia.	<i>Tadić</i> TJ, para. 127.
1005.	During the November 1990 elections for the Prijedor Municipal Assembly, the SDA won 30 seats, the SDS 28, the HDZ 2 and 30 seats went to other parties: the so-called opposition parties, namely the Social Democratic, the Liberal Alliance, and the Reformist parties	<i>Tadić</i> TJ, para. 132.
1006.	Before the take-over, the Prijedor municipality was ethnically a relatively mixed area: in 1991 Muslims were the majority in the municipality; out of a total population of 112,000, 49,700 (44%) were Muslims and about 40,000 (42.5%) Serbs, with the remainder made up of Croats (5.6%), Yugoslavs (5.7%) and aliens (2.2%).	<i>Tadić</i> TJ, para. 128.
1007.	At the meeting of the Prijedor Municipal Board of the SDS on 27 December 1991 Simo Misković read out "Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances."	<i>Stakić</i> TJ, para. 59.
1008.	At the session on 7 January 1992, the Serbian members of the Prijedor Municipal Assembly and the presidents of the local Municipal Boards of the SDS proclaimed the Assembly of the Serbian People of the Municipality of Prijedor. Milomir Stakić was elected President of this Assembly.	<i>Stakić</i> TJ, para. 61.



Proposed Fact No.	Adjudicated Fact	Source
1009.	On 17 January 1992, the Assembly of the Serbian People of the Municipality of Prijedor unanimously voted to join the ARK.	<i>Stakić</i> TJ, para. 62.
1010.	In the meeting of the Prijedor Municipal Board of the SDS on 17 February 1992, in anticipation of the secession of Bosnia and Herzegovina from Yugoslavia and the creation of a separate Serbian state on ethnic Serbian territories, Simo Misković reported that it was time for the SDS to activate "the second stage" of the Variant B of the "Variant A and B Instructions".	<i>Stakić</i> TJ, para. 63.
1011.	At its fifth session on 16 April 1992, the Assembly of the Serbian People of the Municipality of Prijedor elected the government of this municipality. In addition to the previously elected President of the Assembly of the Serbian People of the Municipality of Prijedor and chairman of the Executive Committee of the Prijedor Serbian Municipality, Dr. Milomir Stakić and Dr. Milan Kovačević, <i>inter alia</i> , the following persons were elected to the first government of this municipality: Boško Mandić, Deputy Chairman of the Executive Committee; Ranko Travar, Secretary for Economic Affairs; Slavko Budimir, Secretary for National Defence; Milovan Dragić, Director of the Public Utilities Company; Simo Drljača, Commander of the SJB; and Slobodan Kuruzović, Commander of the TO Municipal Staff.	<i>Stakić</i> TJ, para. 64.
1012.	On 23 April 1992, the Prijedor Municipal Board of the SDS decided <i>inter alia</i> to reinforce the Crisis Staff and to subordinate to the Crisis Staff "all units and staff in managements posts" and "to immediately start working on the takeover, the co-ordination with JNA notwithstanding".	<i>Stakić</i> TJ, para. 65.
1013.	By the end of April 1992, a number of clandestine Serb police stations were created in the municipality and more than 1,500 armed men were ready to take part in the takeover.	<i>Stakić</i> TJ, para. 66.
1014.	On 30 April 1992 the SDS conducted a bloodless take-over of the town of Prijedor with the aid of the military and police forces.	<i>Tadić</i> TJ, para. 137.
1015.	The forcible takeover of the municipal authorities in Prijedor was prepared well in advance of 1 May 1992.	<i>Stakić</i> TJ, para. 67.
1016.	In the night of the 29/30 April 1992, employees of the public security station and reserve police gathered in Čirkin Polje, part of the town of Prijedor. Only Serbs were present and some of them were wearing military uniforms. The people there were given the task of taking over power in the municipality and were broadly divided into five groups. Each group of about twenty had a leader and each was ordered to gain control of certain buildings. One group was responsible for the Municipal Assembly building, one for the SUP building, one for the courts, one for the bank and the last for the post office.	<i>Stakić</i> TJ, para. 74.
1017.	The actual take-over was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings.	<i>Tadić</i> TJ, para. 137.
1018.	JNA soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre and bank.	<i>Tadić</i> TJ, para. 137.

Proposed Fact No.	Adjudicated Fact	Source
1019.	The JNA soldiers entered buildings, declared that they had taken power and announced their decision to rename opština Prijedor "Srpska opština Prijedor".	<i>Tadić</i> TJ, para. 137.
1020.	The pretext for the take-over of the Prijedor municipality was the transmission on 29 April 1992 by the Belgrade television station of a facsimile to the effect that the leader of the Bosnia and Herzegovina TO had instructed the local TOs to attack and obstruct the JNA during its withdrawal from the Republic, although the authorities in Sarajevo immediately declared that the facsimile was false and publicly denounced it.	<i>Tadić</i> TJ, para. 138.
1021.	Calls were also made at that time for the surrender of weapons which, although addressed to the population at large, were only enforced in respect to Muslims and Croats, most of whom complied out of fear of punishment.	<i>Tadić</i> TJ, para. 139.
1022.	A declaration on the takeover prepared by the SDS was read out on Radio Prijedor the day after the takeover and was repeated throughout the day.	<i>Stakić</i> TJ, para. 68.
1023.	After the take-over of Prijedor, other changes occurred in the command structure of the police force in the Prijedor municipality: commanders of Muslim ethnicity were replaced with commanders of Serb ethnicity.	<i>Kvočka et al.</i> TJ, para. 337.
1024.	After the take-over of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the "balijas", a derogatory term for Muslims, as well as the need to destroy the "balijas" themselves.	<i>Tadić</i> TJ, para. 153.
1025.	Regarded until March 1992 as a more or less reliable source of information, after the takeover, the "Kozarski Vjesnik" weekly became the voice of the Serb authorities only. Articles published by "Kozarski Vjesnik" were aimed at discrediting and undermining the credibility of prominent non-Serbs in Prijedor.	<i>Stakić</i> TJ, para. 107.
<b>b. Municipal Crisis Staff</b>		
1026.	The Crisis Staff in Prijedor was formally established on 20 May 1992 when the Municipal Assembly adopted the "Decision on the Organisation and Work of the Prijedor Municipal Crisis Staff".	<i>Stakić</i> TJ, para. 89.
1027.	The Prijedor Crisis Staff was composed <i>inter alia</i> as follows: President, Dr. Milomir Stakić; Vice-President, Dragan Savanović; Dr. Milan Kovačević; Slobodan Kuruzović; Boško Mandić; Simo Drljača; Slavko Budimir; and Ranko Travar.	<i>Stakić</i> TJ, para. 90.
1028.	Colonel Vladimir Arsić and Major Radmilo Željaja were regularly present at Crisis Staff meetings.	<i>Stakić</i> TJ, paras. 90, 87.
1029.	The Crisis Staff met very frequently in the period immediately after the takeover and adopted numerous decisions, orders, and other enactments.	<i>Stakić</i> TJ, para. 92.
1030.	When the Crisis Staff was established a reporting centre started to function as a central point for receiving and processing information from the civilian sector. The reporting centre was equipped with a phone, a radio, a	<i>Stakić</i> TJ, para. 93.

Proposed Fact No.	Adjudicated Fact	Source
	teleprinter, a switchboard and a unit which was capable of encoding and deciphering coded messages.	
1031.	The municipal Crisis Staff established several 'local crisis staffs' throughout the municipality.	<i>Stakić</i> TJ, para. 95.
1032.	In an interview with TV Banja Luka on 30 June 1992, Dr. Stakić stated that the Crisis Staff in Prijedor that was active during war operations had been renamed the War Presidency.	<i>Stakić</i> TJ, para. 99.
1033.	The change of name from Crisis Staff to War Presidency was purely cosmetic. There was no change in the duties and functions of the Crisis Staff and no change in the membership of that body as a result of the change in name.	<i>Stakić</i> TJ, para. 100.
<b>c. Attacks on Predominantly non-Serb Villages in the Municipality Generally</b>		
1034.	Between May and July 1992, the predominantly Bosnian Muslim and Bosnian Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Biščani, Čarakovo, Briševo and Ljubija were attacked by the Bosnian Serb army acting jointly with the police and paramilitary groups.	<i>Brđanin</i> TJ, para. 104.
1035.	These attacks mostly started after the expiry of a deadline for non-Serbs to surrender their weapons. Sometimes an incident caused by non-Serbs would be used as a pretext.	<i>Brđanin</i> TJ, para. 104.
1036.	Attacks were conducted by intensive shelling with heavy army weaponry. Houses in Muslim villages and neighbourhoods were targeted and shelled indiscriminately, resulting in extensive destruction and civilian casualties. Many of the survivors fled the villages and sought shelter in the surrounding forests.	<i>Brđanin</i> TJ, para. 104.
1037.	After the shelling, armed soldiers entered the villages, looted and torched houses, and expelled or killed some of the villagers who remained behind. In some instances, women were raped.	<i>Brđanin</i> TJ, para. 104.
1038.	The Bosnian Muslim and Bosnian Croat population of Prijedor municipality was not able to set up any efficient resistance to these armed attacks by the Bosnian Serb army acting jointly with the police and paramilitary groups. They were not adequately organised and they did not have sufficient weapons with which they could oppose the attackers.	<i>Brđanin</i> TJ, para. 104.
<b>d. Killings Generally</b>		
1039.	Killings were perpetrated on a massive scale against the non-Serb population of Prijedor municipality.	<i>Stakić</i> TJ, para. 661.
1040.	More than 1,500 people were killed in the municipality of Prijedor between 30 April and 30 September 1992.	<i>Stakić</i> TJ, paras. 654, 651
<b>e. Killings, Schedule A</b>		
1041.	After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of the Prijedor municipality: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants	<i>Tadić</i> TJ, para. 142.

Proposed Fact No.	Adjudicated Fact	Source
	of Kozarac town, 90 percent were Muslim. As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens.	
1042.	On 22 May 1992 telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult.	<i>Tadić</i> TJ, para. 143.
1043.	An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska Prijedor municipality, as well as to surrender all weapons.	<i>Tadić</i> TJ, para. 143.
1044.	On 24 May 1992, the predominantly Muslim town of Kozarac was attacked by Bosnian Serb forces, with an artillery bombardment which lasted until 26 May 1992 and extended to surrounding Muslim villages.	<i>Tadić</i> TJ, para. 565.
1045.	The attack on the town of Kozarac on 24 May 1992 began with heavy shelling, followed by the advance of tanks and infantry. After the shelling, the Serb infantry entered Kozarac, and began setting houses on fire one after another.	<i>Tadić</i> TJ, para. 143.
1046.	As a result of the shelling of Kozarac that began on 24 May 1992, many dwellings were destroyed, over 800 inhabitants were killed and the remainder, including those from surrounding Muslim villages, were expelled, the town and its vicinity being then occupied by Bosnian Serb forces.	<i>Tadić</i> TJ, para. 565.
1047.	Patients at the medical centre in Kozarac died as a result of shelling wounds and other injuries when the centre was shelled. When a doctor tried to negotiate the evacuation of two injured children, one of whom had her legs completely shattered, he was told over the radio "Die, balijas, we're going to kill you anyway".	<i>Brđanin</i> TJ, para. 403.
1048.	At least 80 Bosnian Muslim civilians were killed when Bosnian Serb soldiers and police entered the villages of the Kozarac area.	<i>Brđanin</i> TJ, para. 403.
1049.	A number of Bosnian Muslim employees of the Kozarac police station were killed.	<i>Brđanin</i> TJ, para. 403.
1050.	Between 24 and 27 May 1992, Duško Tadić participated in the attack on Kozarac and the surrounding areas and in the collection and forced transfer of civilians to detention centres.	<i>Tadić</i> TJ, paras. 396-397.
1051.	During the collection and forced transfer of civilians from Kozarac, Duško Tadić participated in the beating and killing of Muslims. All of these acts were committed in the context of an armed conflict.	<i>Tadić</i> TJ, paras. 396-397.
1052.	On 15 August 1992 Tadić was elected President of the Local Board of the SDS and was appointed as Acting Secretary of the Local Commune. Tadić was subsequently elected Secretary of the Local Commune on 9 September 1992 and this decision was formally implemented on 9 November 1992.	<i>Tadić</i> TJ, para. 188.

Proposed Fact No.	Adjudicated Fact	Source
	While Tadić was President of Kozarac's SDS Party, all of the activities of the Local Board were co-ordinated with the President of the SDS party in Prijedor, Simo Mišković.	
1053.	When the fighting broke out, a group of approximately 100 Bosnian Muslims and Bosnian Croats from the Kevljani area tried to escape on foot across the Kozara mountain range. After a night in the woods, the group was arrested by armed Bosnian Serbs wearing different kinds of uniforms. One man was shot dead after a Croatian passport was found on him.	<i>Brđanin</i> TJ, para. 404.
1054.	After their arrest, the group of 100 Bosnian Muslims and Bosnian Croats from the Kevljani area was brought to the Benkovac training grounds which, prior to the conflict, were used for military purposes. These grounds had been turned into a detention camp run by the military.	<i>Brđanin</i> TJ, para. 404.
1055.	At the Benkovac training grounds, the detained group was ordered to line up in front of a building, and a Bosnian Serb soldier with the last name of Romanić singled out four persons. They were taken to one of the rooms inside the building and shot dead, apparently in retaliation for Romanić's brother who had been killed in Croatia. A religious leader known as the 'Hodža' was beaten to death by the soldiers. In the course of the day, 60 individuals were taken to the woods in groups, from where one could hear bursts of gunfire. These persons were killed.	<i>Brđanin</i> TJ, para. 404.
1056.	Units of the Banja Luka Corps took part in the attack on the town of Kozarac near Prijedor on 24 May 1992.	<i>Tadić</i> TJ, para. 120.
1057.	On 27 May 1992 senior military officers met to be briefed on the attack on Kozarac: Lieutenant-General Talić, as Commander of the Banja Luka Corps, the 5th Corps of the old JNA, was informed that 800 people had been killed in the attack on Kozarac and an additional 1,200 had been captured; casualties on the part of the units of the Corps were four soldiers killed and fifteen injured.	<i>Tadić</i> TJ, para. 145.
1058.	In command of the 343rd Mechanised Brigade, the unit extensively involved in that attack (and which later became the 43rd Brigade), was Colonel Vladimir Arsić and in direct control of the attack was Major Radmilo Zeljaja, both former JNA officers.	<i>Tadić</i> TJ, para. 145.
1059.	That attack on Kozarac, in common with all active combat activities, would necessarily have had to be approved, in accordance with military command procedures, by the Corps Commander, Lieutenant-General Talić, who alone could order the commitment of units to combat.	<i>Tadić</i> TJ, para. 145.
<i>ii. Schedule A, 10.2</i>		
1060.	A shooting incident at a Muslim checkpoint located at the village of Hambarine on 22 May 1992, provided a pretext for the attack by Serb forces on that outlying area. Following the incident, the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had	<i>Tadić</i> TJ, para. 140.

Proposed Fact No.	Adjudicated Fact	Source
	manned the checkpoint as well as all weapons. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked.	
1061.	On 23 May 1992 at noon, the indiscriminate shelling of Hambarine started. Tanks fired at the village, and a large number of Bosnian Serb soldiers participated in the attack. During the onslaught on Hambarine, at least three civilians died.	<i>Brđanin</i> TJ, para. 401.
1062.	After several hours of shelling by artillery, armed Serb forces entered the area supported by tanks and other weaponry and after a brief period of intermittent fighting local leaders collected and surrendered most of the weapons.	<i>Tadić</i> TJ, para. 140.
<i>iii. Schedule A, 10.3</i>		
1063.	The village of Kamičani was predominantly inhabited by Bosnian Muslims. From 24 to 26 May 1992, the village was attacked by Bosnian Serb military. At least eight Bosnian Muslims were hiding during that period in the basement of Mehmed Šahurić's house. These persons were shot dead by Bosnian Serb soldiers after their place of refuge was discovered. Their bodies have subsequently been retrieved and identified.	<i>Brđanin</i> TJ, para. 405.
<i>iv. Schedule A, 10.4</i>		
1064.	At least eight Bosnian Muslim men were shot and killed when on 14 June 1992, Bosnian Serb soldiers entered the village of Jaskići.	<i>Brđanin</i> TJ, para. 406.
<i>v. Schedule A, 10.5</i>		
1065.	Brdo comprises the villages of Biščani, Rizvanovići, Rakovćani, Hambarine, Čarakovo and Zecovi.	<i>Stakić</i> TJ, para. 204.
1066.	Prior to 1992, almost the entire population of the village of Čarakovo were Bosnian Muslims	<i>Brđanin</i> TJ, para. 410.
1067.	On 1 July 1992, in Čarakovo, several men wearing police uniforms killed three men at the Behlići settlement with automatic rifles.	<i>Stakić</i> TJ, para. 266.
1068.	A large number of other killings of Bosnian Muslims and Bosnian Croats occurred in the Brdo area around 20 July 1992 as a result of the campaign conducted by Bosnian Serb forces.	<i>Brđanin</i> TJ, para. 409.
1069.	On 23 July 1992, Bosnian Serb tanks attacked Čarakovo, after several demands that residents should hand in weapons had been issued. During the raid, at least 16 civilians were killed. Three of them were shot dead in front of their houses.	<i>Brđanin</i> TJ, para. 410.
1070.	On 23 July 1992, Bosnian Serb soldiers also took Bosnian Muslim and Bosnian Croat civilians from Čarakovo to the Žeger bridge on the Sana River, where a number of them were shot dead. Their bodies were thrown into the river.	<i>Brđanin</i> TJ, para. 410.

Proposed Fact No.	Adjudicated Fact	Source
1071.	After the cleansing of the Brdo area in July 1992, a number of Bosnian Muslim men were ordered to assist the Bosnian Serb forces in collecting the dead bodies. They loaded between 300 and 350 bodies on trucks with their own hands.	<i>Brđanin</i> TJ, para. 508.
<i>vi. Schedule A, 10.6</i>		
1072.	The village of Bišćani comprises the hamlets of Mrkalji, Hegići, Ravine, Sredići and Duratovići.	<i>Brđanin</i> TJ, para. 407.
1073.	On 20 July 1992, Bosnian Serb forces conducted an onslaught on the entire Brdo area, of which Bišćani, forms part. They consisted of military and police and were wearing different kinds of uniforms.	<i>Brđanin</i> TJ, para. 407.
1074.	On 20 July 1992, the Bosnian Muslim population of Bišćani was told to gather at various collection points throughout the village. One collection point was at a coffee bar in Bišćani. On that location, five unarmed men were shot dead by Bosnian Serb soldiers.	<i>Brđanin</i> TJ, para. 407.
1075.	On 20 July 1992, Bosnian Serb soldiers lined up between 30 and 40 Bosnian Muslim residents of Mrkalji at a nearby clay pit. There were military vehicles, including an armoured personnel carrier, and more than 20 soldiers in camouflage uniforms with them. None of the Mrkalji residents at the clay pit wore a uniform. All of the Bosnian Muslim residents of Mrkalji at the clay pit were executed with rifles by the Bosnian Serb soldiers present.	<i>Brđanin</i> TJ, paras. 408, 407.
1076.	Around 20 July 1992 in an orchard in Hegići, 12 persons were lined up and shot dead with rifles.	<i>Brđanin</i> TJ, para. 409.
1077.	Around 20 July 1992 around 20 individuals were killed at a bus stop between Alagići and Čemernica.	<i>Brđanin</i> TJ, para. 409.
<i>vii. Schedule A, 10.8</i>		
1078.	In July 1992, at the Ljubija football stadium, a police officer known as "Stiven" executed Irfan Našić with a pistol from a close distance, and another Bosnian Muslim detainee, Muharem Petrovac, was split into two when a guard nicknamed "Duča" fired a gun at him.	<i>Brđanin</i> TJ, para. 413.
1079.	Two men were singled out and taken to the other side of the stadium, where they were killed.	<i>Brđanin</i> TJ, para. 413.
1080.	Detainees were then ordered to remove the dead bodies and put them in a bus.	<i>Brđanin</i> TJ, para. 413.
1081.	At a minimum, 15 detainees were killed in the stadium.	<i>Brđanin</i> TJ, para. 413.
<i>viii. Schedule A, 10.7</i>		
1082.	Thereafter on 25 July 1992, around 50 detainees from the Ljubija football stadium were put on a bus provided by the local public transport company and taken to an iron ore mine south-west of Ljubija, locally referred to as 'Kipe'.	<i>Brđanin</i> TJ, paras. 413-414.

Proposed Fact No.	Adjudicated Fact	Source
1083.	Persons were called out from the bus and executed by Bosnian Serb soldiers in groups of three.	<i>Brđanin</i> TJ, para. 414.
1084.	Save Elvedin Našić and Nermin Karagić, who managed to escape, all persons travelling on that bus were killed.	<i>Brđanin</i> TJ, para. 414.
1085.	The bodies were thrown into a depression in the ground.	<i>Brđanin</i> TJ, para. 414.
<i>ix. Schedule A, 10.9</i>		
1086.	Briševo is a village belonging to the local commune of Ljubija. Prior to the conflict, it was inhabited mainly by Bosnian Croats.	<i>Brđanin</i> TJ, para. 411.
1087.	On 27 May 1992, the village of Briševo was shelled with mortars coming from the direction of Rasavci and Oštra Luka, two predominantly Bosnian Serb villages east of Briševo. Before the shelling, Bosnian Serb authorities in the area had requested that all weapons in the village be surrendered. Weapons were handed over to the Bosnian Serbs in Rasavci, despite there only being legally owned hunting rifles and pistols.	<i>Brđanin</i> TJ, para. 411.
1088.	In the early morning hours of 24 July 1992, Bosnian Serb military launched an attack on Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day and, on the next day, infantry fire joined the artillery.	<i>Brđanin</i> TJ, para. 412.
1089.	On the evening of 25 July 1992, Bosnian Serb infantry entered Briševo. The soldiers wore JNA uniforms with red ribbons around their arms or helmets. Some had 'Četnik' insignia such as 'Šubara' hats.	<i>Brđanin</i> TJ, para. 412.
1090.	Pero Dimač, an elderly Bosnian Croat, was forced to take off his clothes, was hit with a bible, and was eventually shot in the head by Bosnian Serb soldiers.	<i>Brđanin</i> TJ, para. 412.
1091.	On 24 and 25 July 1992, during the attack on Briševo, at least 68 persons were killed, 14 of whom being women.	<i>Brđanin</i> TJ, para. 412.
<b>f. Measures taken against non-Serbs</b>		
1092.	Those non-Serbs in the Prijedor municipality who remained outside of the detention camps were required to wear white armbands to distinguish themselves and were continuously subject to harassment, beatings and worse, with terror tactics being common.	<i>Tadić</i> TJ, para. 466.
1093.	Slobodon Kuruzović, the Trnopolje camp commander, explained that the Serb plan was to reduce the number of Muslims in Prijedor to 10 percent or less, and then later to reduce this to 2 percent or less.	<i>Tadić</i> TJ, para. 466.
1094.	Propaganda was used to encourage Serbs who had not previously exhibited nationalistic tendencies to accept the policy of discrimination against non-Serbs. Those Serbs who refused to comply with the Serb policy of discrimination against non-Serbs were branded traitors.	<i>Tadić</i> TJ, para. 466.
1095.	Crosses were carved on men's bodies. Discriminatory curses such as "balija mother", "Ustaša mother" and "Alija mother", were often heard in association with a beating.	<i>Tadić</i> TJ, para. 467.



Proposed Fact No.	Adjudicated Fact	Source
1096.	Non-Serbs no longer qualified for leadership positions in Prijedor and were eventually forced to leave almost all positions.	<i>Tadić</i> TJ, para. 150.
1097.	The control over movement of non-Serbs extended as far as private residences through the use of registers in which Muslims and Croats had to record the movements of individuals within apartment buildings and daily searches were conducted in almost every apartment inhabited by Muslims and Croats.	<i>Tadić</i> TJ, para. 150.
1098.	Additional restrictions suffered by non-Serbs included the blocking of telephone lines and the partial shut-down of electricity for non-Serbs.	<i>Tadić</i> TJ, para. 150.
1099.	Non-Serbs were fired from their jobs, particularly leadership positions for which they were no longer considered qualified, refused necessary documentation, and their children were prevented from attending school.	<i>Tadić</i> TJ, para. 465.
1100.	Travel outside the municipality for non-Serbs was prevented and within the municipality travel was severely restricted by means of a curfew and checkpoints.	<i>Tadić</i> TJ, para. 465.
1101.	In fact, villagers forced to leave the area had to sign over their property to either to the ARK or to the SerBiH. At first, real property certificates were issued in order to justify the confiscation. Later on certificates were no longer issued. In contrast, Bosnian Serb residents did not have their property confiscated.	<i>Brđanin</i> TJ, para. 629.
<b>g. Detention Facilities in the Municipality Generally – Schedule C, 20.1 – 20.7</b>		
1102.	Beginning 25 May 1992, Bosnian Muslim and Bosnian Croat civilians were variously detained by the police and the Bosnian Serb military at Omarska camp, Keraterm camp, Trnopolje camp, the Miška Glava Community Centre, the Ljubija football stadium or the Prijedor SUP and barracks, until sometime during September 1992.	<i>Brđanin</i> TJ, para. 836.
1103.	The non-Serb population was not permitted to return to Kozarac after the attack of 24 May 1992 and, subject to some exceptions, the men were taken either to the Keraterm or Omarska detention camps and the women and elderly to the Trnopolje detention camp.	<i>Tadić</i> TJ, para. 146.
1104.	Those persons who were captured or detained by Bosnian Serb forces, whether during the armed take-over of Kozarac, or while those persons were rounded-up for transport to one of the detention camps in the Prijedor municipality, whatever their involvement in hostilities prior to that time, were not taking an active part in the hostilities.	<i>Tadić</i> TJ, para. 616.
1105.	The Crisis Staff, presided over by Dr. Stakić, was responsible for establishing the Omarska, Keraterm and Trnopolje camps.	<i>Stakić</i> TJ, para. 377.
1106.	There was coordinated cooperation between the Crisis Staff, later the War Presidency, and members of the police and army in operating the camps.	<i>Stakić</i> TJ, paras. 488, 377.

Proposed Fact No.	Adjudicated Fact	Source
1107.	The Crisis Staff participated through its oversight of security in the camps, took decisions on the continuing detention of Prijedor citizens, provided transport (and the necessary fuel) for the transfer of prisoners between the various camps and from the camps to territory not controlled by Serbs, and coordinated the provision of food for detainees.	<i>Stakić</i> TJ, paras. 488, 377.
1108.	The Crisis Staff prohibited the release of detainees from the camps and prevented them from returning to Prijedor.	<i>Stakić</i> TJ, para. 385.
<b>h. SJB Building in Prijedor – Schedule C, 20.1</b>		
1109.	Bosnian Muslims and Bosnian Croats were detained at the Prijedor SUP, including a woman and an underage boy.	<i>Brđanin</i> TJ, para. 862.
1110.	Detainees at the Prijedor SUP were beaten with metal objects by members of the intervention squad, including “Dado” Mrdja. Detainees were beaten during interrogation and humiliated. Detainees were subjected to ethnic slurs.	<i>Brđanin</i> TJ, para. 863.
1111.	All non-Serb men arrested and taken to the SUP were then bussed to either the Omarska camp or the Keraterm camp.	<i>Kvočka et al.</i> TJ, para. 15.
1112.	From the Prijedor SUP, detainees were transferred to Omarska camp by policemen.	<i>Brđanin</i> TJ, para. 863.
1113.	Prior to their transfer, the detainees were forced to run a gauntlet of policemen.	<i>Brđanin</i> TJ, para. 863.
<b>i. Omarska Camp – Schedule C, 20.2</b>		
1114.	Perhaps the most notorious of the camps, where the most horrific conditions existed, was the Omarska camp.	<i>Tadić</i> TJ, para. 155.
1115.	Omarska camp was established by the civilian authorities of Prijedor municipality. It was staffed mainly by the police, although there may have been some Bosnian Serb soldiers amongst the guards.	<i>Brđanin</i> TJ, para. 837.
1116.	Omarska was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village and the camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps.	<i>Tadić</i> TJ, para. 155.
1117.	Omarska held as many as 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women.	<i>Tadić</i> TJ, para. 155.
1118.	With few exceptions, all the prisoners in Omarska were Muslims or Croats. The only Serb prisoners held in Omarska were said to have been there because they were on the side of the Muslims.	<i>Tadić</i> TJ, para. 155.
1119.	The vast majority of the detainees at Omarska were men, but there was also a group of approximately thirty-six women, many prominent in local affairs, from the area. Boys as young as 15 were seen in the early days of the camp, as well as some elderly people.	<i>Kvočka et al.</i> TJ, para. 21.

Proposed Fact No.	Adjudicated Fact	Source
1120.	Inmates were unofficially grouped into three categories. Category one comprised intellectuals and political leaders from the Bosnian Muslim and Bosnian Croat communities, who were earmarked for elimination. Persons who associated themselves with those from the first category would fall into the second category, and the third category encompassed detainees that were in the view of the Bosnian Serb authorities the least 'guilty', and eventually were to be released. However, in practice, people from all three categories were kept detained in the camp.	<i>Brđanin</i> TJ, para. 443.
1121.	Prominent members of the Bosnian Muslim and Bosnian Croat local communities were imprisoned in Omarska camp, such as Professor Muhamed Čehajić, the mayor of Prijedor prior to the Bosnian Serb take-over.	<i>Brđanin</i> TJ, para. 445.
1122.	Minors and mentally impaired individuals were also detained at the camp.	<i>Brđanin</i> TJ, para. 842.
1123.	The security of the local populace in Prijedor was entrusted to the police division of the Public Security Service, which was attached to the Ministry of Interior and was separate from the State Public Security Service.	<i>Kvočka et al.</i> TJ, para. 334.
1124.	Although efforts had already begun to set up the camp and staff and detainees began arriving around 27 May 1992, the Prijedor Chief of Police, Simo Drljača, issued the official order to establish the camps on 31 May 1992.	<i>Kvočka et al.</i> TJ, para. 17
1125.	Simo Drljača was chief of the Prijedor municipality Public Security Station, and a member of the Prijedor Crisis Staff.	<i>Kvočka et al.</i> TJ, para. 28.
1126.	Simo Drljača's order of 31 May 1992 was pronounced "in accordance with the Decision of the Crisis Staff", and it established the responsibilities of various actors. The order charged a "mixed group consisting of national, public and military security investigators" with the interrogation and resulting categorization of the detainees. This "mixed group" was comprised of the members of the crime branches of the public and state security services, as well as military investigators.	<i>Kvočka et al.</i> TJ, para. 28.
1127.	Simo Drljača's order of 31 May 1992 assigned responsibility for the work of the investigators to three named coordinators: Ranko Mijić, Mirko Jesić, and Lieutenant Colonel Majstorović.	<i>Kvočka et al.</i> TJ, para. 28.
1128.	Paragraph 6 of Simo Drljača's order of 31 May 1992 states that "Security services at the collection centre shall be provided by the Omarska Police Station", and according to paragraph 2, "the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public, and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees".	<i>Kvočka et al.</i> TJ, para. 29.
1129.	Željko Meakić was the "chief of security" to which Simo Drljača's order of 31 May 1992 referred and he was responsible for allocating detainees to the different detention sites in the camp. Željko Meakić was not in a position of superior authority over the investigation coordinators. The order required the	<i>Kvočka et al.</i> TJ, para. 29.

Proposed Fact No.	Adjudicated Fact	Source
	security services coordinators and the chief of security to submit reports to Simo Drljača every 24 hours.	
1130.	Dusan Janković, commander of the Prijedor Police Station, supervised the implementation of Simo Drljača's order of 31 May 1992. Dusan Janković's duties in this regard were to be carried out "in collaboration with the Banja Luka Security Services Centre". His work required the approval of the regional superiors of each branch involved in the operation of the camp.	<i>Kvočka et al.</i> TJ, para. 35.
1131.	In a report to the Crisis Staff dated 1 July 1992, Simo Drljača confirmed that "Conclusion number 02-111-108/92, by which the release of detainees is prohibited, is being fully observed".	<i>Kvočka et al.</i> TJ, para. 36.
1132.	Simo Drljača was the Head of the SJB in Prijedor during the duration of Omarska camp's existence. The uniformed police department of this station was headed by Dusan Janković, who was immediately subordinated to Simo Drljača.	<i>Kvočka et al.</i> TJ, para. 27.
1133.	There were three sub-offices of "Police Station Departments" attached to the Prijedor Police Station". Zeljko Meakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed.	<i>Kvočka et al.</i> TJ, para. 27.
1134.	Miroslav Kvočka, as duty officer in the Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp.	<i>Kvočka et al.</i> TJ, para. 348.
1135.	In July 1992, Radoslav Brđanin together with others, including Radoslav Vukić, Stojan Župljanin and Predrag Radić visited Omarska camp. Male detainees were lined up and made to sing Serbian songs and to extend the Serbian three-fingered salute.	<i>Brđanin</i> TJ, paras. 839, 335.
1136.	International journalists met the following officials at Omarska: Simo Drljača, Milomir Stakić, Kovačević and Nada Balaban.	<i>Brđanin</i> TJ, para. 935.
1137.	A second security ring was established 500-600 metres from the mine complex shortly after Omarska camp was established, with a guard every 200 metres. These posts were staffed by members of the Omarska territorial defence, who were tasked with preventing unauthorized persons from entering the camp (to repel possible attacks by Muslim forces) as well as with ensuring that no detainees escaped.	<i>Kvočka et al.</i> TJ, para. 38.
1138.	When prisoners arrived by bus at Omarska, they were usually searched, their belongings taken from them, and then beaten and kicked as they stood, legs apart and arms upstretched, against the eastern wall of the administration building. The new arrivals were then sent either to stay outside on the "pista" or to rooms in the hangar or in the small garages in the office blocks or, if so selected, to the white house.	<i>Tadić</i> TJ, para. 158.
1139.	Sometimes 200 persons were held in a room of 40 square metres. 300 prisoners were confined in one small room. Some Omarska prisoners spent the time crowded together in the lavatories. In the lavatories, prisoners were packed one on top of the other and often they had to lie in the midst of excrement.	<i>Tadić</i> TJ, para. 159.

<b>Proposed Fact No.</b>	<b>Adjudicated Fact</b>	<b>Source</b>
1140.	The crowded rooms at Omarska were stifling in the summer heat and often guards refused to open windows in rooms crowded to overflowing or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.	<i>Tadić</i> TJ, para. 162.
1141.	The prisoners were fed in batches of about 30 at a time and had to run to and from their daily meal, often being beaten by guards as they came and went.	<i>Tadić</i> TJ, para. 160.
1142.	Prisoners in Omarska were allowed only a minute or two in which to eat.	<i>Tadić</i> TJ, para. 160.
1143.	Many of those prisoners confined in the white house received no food at all during their time there.	<i>Tadić</i> TJ, para. 160.
1144.	Some prisoners, particularly those already badly injured by beatings in the camp, often chose to miss their daily meal for fear of further beatings on the way to, or return from, the meal.	<i>Tadić</i> TJ, para. 160.
1145.	Some prisoners lost 20 to 30 kilograms in body-weight during their time at Omarska, others considerably more.	<i>Tadić</i> TJ, para. 160.
1146.	Drinking water at Omarska was often denied to the prisoners for long periods.	<i>Tadić</i> TJ, para. 161.
1147.	The water given to the detainees was not fit for human consumption: it was in fact destined for industrial use. This caused the detainees intestinal problems.	<i>Brđanin</i> TJ, para. 933.
1148.	There was very little in the way of lavatories at Omarska; prisoners had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked to use them. Prisoners at Omarska were often forced to excrete and urinate in their rooms.	<i>Tadić</i> TJ, para. 161.
1149.	There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.	<i>Tadić</i> TJ, para. 161.
1150.	Prisoners at Omarska were called out for interrogation, usually some days after their arrival, and would be taken by a guard to the first floor of the administration building; guards would beat and kick them as they went.	<i>Tadić</i> TJ, para. 163.
1151.	Some prisoners were very severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him, often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on.	<i>Tadić</i> TJ, para. 163.
1152.	Prisoners, after their interrogation, were often made to sign false statements regarding their involvement in acts against Serbs.	<i>Tadić</i> TJ, para. 163.
1153.	The prisoners as a whole feared groups of men from outside the camp even more than they did the regular camp guards. These groups appeared to be allowed free access to the Omarska camp and their visits greatly increased the atmosphere of terror which prevailed in the camp.	<i>Tadić</i> TJ, para. 164.

Proposed Fact No.	Adjudicated Fact	Source
1154.	At Omarska camp, beatings were administered by camp guards, such as Milutin Popović aka "Pop" and Žarko Marmat.	<i>Brđanin</i> TJ, para. 848.
1155.	On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.	<i>Brđanin</i> TJ, para. 848.
1156.	Shift commander Mlado Radić aka "Krkan" was present during the beatings but did nothing to prevent the beatings, and in fact organised the gauntlet of guards that on one occasion beat the detainees.	<i>Brđanin</i> TJ, para. 848.
1157.	Moreover, the following were present when the name of those who would be beaten was called out: Žigić and Kvočka.	<i>Brđanin</i> TJ, para. 848.
1158.	Detainees were also beaten by outsiders, including Bosnian Serb soldiers from the front, whilst camp guards stood aside.	<i>Brđanin</i> TJ, para. 848.
1159.	The majority of the detainees at Omarska were housed in the "hangar", which was the largest of four buildings on the site of the camp, running north-south. The main part of the hangar had been designed for the heavy trucks and machinery used in the iron-ore mine and ran along the eastern side of the building. The western side consisted of two floors of over 40 separate rooms.	<i>Kvočka et al.</i> TJ, para. 46.
1160.	There were three other structures on the Omarska camp site: the administration building, and two smaller structures, known as the "white house" and the "red house".	<i>Kvočka et al.</i> TJ, para. 47.
1161.	To the north of the hangar and separated from it by an open concrete area, known as the "pista", was the administration building, where prisoners ate and some were housed, with rooms upstairs where they were interrogated.	<i>Tadić</i> TJ, para. 156.
1162.	Interrogations were carried out in the administration building by mixed teams of investigators from the army and the state and public security services in Banja Luka.	<i>Kvočka et al.</i> TJ, para. 68.
1163.	The administration building lay at the north of the grounds and was divided in two parts. The single-storied western portion contained a kitchen and eating area. The eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates' sleeping quarters. There was also a small garage at the far north or outer edge of the building.	<i>Kvočka et al.</i> TJ, para. 47.
1164.	Some prisoners remained on the "pista" continuously regardless of the weather for many days and nights on end, and occasionally for as long as a month, with machine-guns trained on them.	<i>Tadić</i> TJ, para. 159.
1165.	As many as 600 prisoners were made to sit or lie prone outdoors on the "pista".	<i>Tadić</i> TJ, para. 159.
1166.	To the west of the hangar building was a grassed area on the western side of which lay the white house, a small rectangular single-storied building, having a central corridor with two rooms on each side and one small room at its end, not wider than the corridor itself.	<i>Tadić</i> TJ, para. 156.

Proposed Fact No.	Adjudicated Fact	Source
1167.	Approximately thirty-six of the detainees held at Omarska camp were women. The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl.	<i>Kvočka et al.</i> TJ, para. 98.
1168.	At Omarska, there were frequent incidents of female detainees being called out by the camp guards and the camp commander to be raped and sexually assaulted.	<i>Brđanin</i> TJ, para. 847.
1169.	Detainees were humiliated: one detainee was forced to hit his head against a wall. Another was forced to lick his own blood. Yet another was forced to cross the pista naked whilst pursued by a guard with a whip.	<i>Brđanin</i> TJ, para. 845.
1170.	Detainees were regularly threatened with death, including the female detainees.	<i>Brđanin</i> TJ, para. 845.
1171.	Detainees were subjected to ethnic slurs.	<i>Brđanin</i> TJ, para. 845.
<b>j. Killings related to Omarska Camp</b>		
<i>i. Schedule B, 15.2</i>		
1172.	Around 29 May 1992, detainees from the Benkovac military barracks were transferred to the camp. Upon arrival, around 120 persons were crammed into a garage for several days. Two young men suffocated to death as a result of the conditions inside the garage.	<i>Brđanin</i> TJ, para. 444.
1173.	The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp would appear, would call out particular prisoners from their rooms and attack them with a variety of sticks, iron bars or lengths of heavy electric cable. Sometimes these weapons would have nails embedded in them so as to pierce the skin and on occasion knives would be used to slash a prisoner's body.	<i>Tadić</i> TJ, para. 164.
1174.	Frequently prisoners who were called out failed to return and witnesses who were their close relatives gave evidence that they had never been seen since, and were assumed to have been murdered.	<i>Tadić</i> TJ, para. 164.
1175.	One room in the white house was reserved for brutal assaults on prisoners, who were often stripped, beaten and kicked and otherwise abused.	<i>Tadić</i> TJ, para. 166.
1176.	Many prisoners died as a result of these repeated assaults on them in the white house.	<i>Tadić</i> TJ, para. 166.
1177.	Prisoners who were forced to clean up after these beatings in the white house reported finding blood, teeth and skin of victims on the floor.	<i>Tadić</i> TJ, para. 166.
1178.	Dead bodies of prisoners, lying in heaps on the grass near the white house, were a frequent sight in Omarska. Those bodies would be thrown out of the white house and later loaded into trucks and removed from the camp.	<i>Tadić</i> TJ, para. 166.
1179.	The other small building at Omarska, the red house, was also a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive.	<i>Tadić</i> TJ, para. 156.

Proposed Fact No.	Adjudicated Fact	Source
1180.	When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear and empty pistol cartridges.	<i>Tadić</i> TJ, para. 167.
1181.	These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house.	<i>Tadić</i> TJ, para. 167.
1182.	Physically and mentally impaired detainees were humiliated and some eventually killed.	<i>Brđanin</i> TJ, para. 845.
1183.	On 26 June 1992, Omarska camp guards tried to force Mehmedalija Sarajlić, an elderly Bosnian Muslim, to rape a female detainee. He begged them "Don't make me do it. She could be my daughter. I am a man in advanced age." The guards laughed and said "Well, try to use the finger." A scream and the sound of beatings could be heard, and then everything was silent. The guards had killed the man.	<i>Brđanin</i> TJ, para. 516.
1184.	In June or July 1992, at Omarska camp, a Bosnian Serb camp guard in camouflage uniform kicked Rizo Hadžalić with his heavy army boots and struck him with his rifle butt. The guard jumped all over Rizo Hadžalić's body until he was dead. The incident was witnessed by other camp inmates.	<i>Brđanin</i> TJ, para. 506.
1185.	Around 200 people from Hambarine arrived in the Omarska camp sometime in July 1992. They were initially accommodated in the structure known as the "White House". Early in the morning, around 01:00 or 02:00 on 17 July 1992, gunshots were heard that continued until dawn. Dead bodies were seen in front of the White House. The camp guards, one of whom was recognised as Zivko Marmat, were shooting rounds into the bodies. The bodies were then loaded onto a truck and taken away. There were about 180 bodies in total.	<i>Stakić</i> TJ, para. 209.
1186.	Around late July 1992, 44 people were taken out of Omarska and put in a bus. They were told that they would be exchanged in the direction of Bosanska Krupa. They were never seen again. During the exhumation in Jama Lisac, 56 bodies were found. Most of them died from gunshot injuries. DNA analysis allowed the investigators to identify the bodies of Sureta Medunjanin, the wife of Bećir Medunjanin, and Ekrem Alić and Smail Alić, who were both last seen in Omarska.	<i>Stakić</i> TJ, para. 210.
1187.	On 27 July 1992, Professor Muhamed Čehajić was called out from the room in which he was detained and taken out of the camp. Muhamed Čehajić did not return and was never seen again.	<i>Brđanin</i> TJ, para. 445.
1188.	Dr. Esad Sadiković, a physician, had previously worked for the UNHCR and was described as a charismatic and deeply humane person. In Omarska, he helped other detainees wherever he could, and was regarded as a "moral and spiritual authority". One night, a camp guard appeared and said: "Dr. Eso Sadiković, come out and take your stuff with you." The other detainees knew that this meant he would not return. Everybody stood up and bid him farewell.	<i>Brđanin</i> TJ, para. 445.
1189.	Esad Sadiković was taken out to be killed and was actually killed.	<i>Brđanin</i> TJ, para. 445.



Proposed Fact No.	Adjudicated Fact	Source
1190.	Dead prisoners were buried in makeshift graves and heaps of bodies were frequently seen in the grounds of the detention camps.	<i>Tadić</i> TJ, para. 240.
<i>ii. Schedule B, 15.4</i>		
1191.	At the end of July 1992, the killing of inmates with a special professional background started. One night, lawyers were targeted, following which policemen and physicians were marked for killing. In one night at the end of July 1992, a large number of detainees from the recently cleansed Brdo area were killed.	<i>Brđanin</i> TJ, para. 446.
<b>k. Keraterm Camp – Schedule C, 20.3</b>		
1192.	The Keraterm detention camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory.	<i>Tadić</i> TJ, para. 168.
1193.	Keraterm was established by the civilian authorities of Prijedor municipality. It was staffed by employees of the Prijedor SJB and the Prijedor Military Police.	<i>Brđanin</i> TJ, para. 849.
1194.	Sikirica was the camp commander.	<i>Brđanin</i> TJ, para. 849.
1195.	Nenad Banović, aka “Čupo”, and Zoran Žigić, were amongst the guards. Damir Došen aka “Kajin” was amongst the shift commanders.	<i>Brđanin</i> TJ, para. 849.
1196.	The Keraterm camp began operating on 25 May 1992 and held up to 1,500 prisoners crowded into a number of large rooms or halls.	<i>Tadić</i> TJ, para. 168.
1197.	Around 4,000 detainees were held in Keraterm camp, mostly Bosnian Muslim and Bosnian Croat men. There were also a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb. Detainees were eventually transferred to Omarska or Trnopolje.	<i>Brđanin</i> TJ, para. 850.
1198.	Conditions in Keraterm were atrocious; prisoners were crowded into its rooms, as many as 570 in one room, with barely space to lie down on the concrete floors.	<i>Tadić</i> TJ, para. 169.
1199.	The rooms in Keraterm were unlit and without windows and were in the summer intensely hot, with no ventilation. Prisoners in Keraterm were kept locked in these rooms for days on end, crowded together. Initially one lavatory was available for all but it became blocked and barrels were supplied instead which leaked, the stench being overpowering.	<i>Tadić</i> TJ, para. 169.
1200.	In Keraterm camp, the conditions of hygiene were dreadful. There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, with five men at a time escorted by guards. Detainees could never bathe although, occasionally, they could wash a little with cold water. The detainees received no soap or toothpaste and they were given inadequate food and water. Infestations of lice appeared.	<i>Kvočka et al.</i> TJ, para. 113.
1201.	Dysentery was rife at Keraterm and there was no medical care for illness or for the injuries inflicted by beatings.	<i>Tadić</i> TJ, para. 170.

Proposed Fact No.	Adjudicated Fact	Source
1202.	The quality and quantity of food provided was totally inadequate, and detainees suffered from malnutrition and starvation. The detainees received two pieces of bread that they had to eat very quickly or they would be beaten. Furthermore, the food was not delivered regularly and, sometimes there was no food provided at all.	<i>Kvočka et al.</i> TJ, para. 113.
1203.	To supplement the meagre camp provisions, detainees were sometimes allowed to receive food brought from their families, although these occasional supplements were not enough to alleviate the hunger and malnutrition.	<i>Kvočka et al.</i> TJ, para. 113.
1204.	As in the Omarska camp, most of the detainees in Keraterm were interrogated in an attempt to identify opponents of the new Serb regime.	<i>Kvočka et al.</i> TJ, para. 114.
1205.	At Keraterm camp, detainees were beaten on arrival.	<i>Brđanin</i> TJ, para. 851.
1206.	Interrogations were conducted at Keraterm accompanied by beatings.	<i>Tadić</i> TJ, para. 170.
1207.	As in Omarska, interrogators also consisted of members of the Banja Luka CSB and of the Banja Luka Corps.	<i>Brđanin</i> TJ, para. 849.
1208.	Beatings were very frequent at Keraterm, prisoners being called out, attacked with bars and batons and made to beat each other.	<i>Tadić</i> TJ, para. 170.
1209.	There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over; some died of their injuries. Some who were called out never returned, and prisoners assumed that they had died as a result of the beatings.	<i>Tadić</i> TJ, para. 170.
1210.	Two Bosnian Muslim former policemen were beaten with chains and metal rods.	<i>Brđanin</i> TJ, para. 851.
1211.	The beatings were administered by the camp guards, in particular Nenad Banović "Čupo". In addition, beatings were administered by people from outside.	<i>Brđanin</i> TJ, para. 853.
1212.	Beatings and humiliation were often administered in front of other detainees.	<i>Brđanin</i> TJ, para. 852.
1213.	In June or July 1992, at Keraterm camp, a number of other guards raped a female inmate on a table in a dark room until she lost consciousness. The next morning, she found herself lying in a pool of blood. Other women in the camp were also raped.	<i>Brđanin</i> TJ, para. 512.
1214.	Some prisoners were questioned about money and taken to their homes and made to search for money, to be handed over to the guards if found.	<i>Tadić</i> TJ, para. 170.
<b>I. Killings related to Keraterm Camp – Schedule B, 15.1</b>		
1215.	On 20 or 21 July 1992, camp inmates from room 3 at the Keraterm camp were relocated to other rooms in the camp. Room 3 was subsequently filled with residents from the recently cleansed Brdo area. Approximately 200 persons were crammed into room 3.	<i>Brđanin</i> TJ, para. 455.

Proposed Fact No.	Adjudicated Fact	Source
1216.	On one of the following days, detainees were ordered to go into their rooms, face the wall, and stay calm.	<i>Brđanin</i> TJ, para. 455.
1217.	After dark, Bosnian Serb army personnel entered the Keraterm camp. A machine-gun was placed on a table outside room 3. At around 11:00 p.m., gun shots from light and heavy weaponry could be heard. There was the sound of breaking metal and shattered glass, and human cries.	<i>Brđanin</i> TJ, para. 455.
1218.	The next morning, dead bodies were piled outside room 3, and the entire area was covered with blood. A truck arrived to carry away the bodies. When the truck left, blood could be seen dripping from it.	<i>Brđanin</i> TJ, para. 456.
1219.	Finally, a fire engine cleaned room 3 and the surrounding area from the traces of the massacre. At a minimum, 190 persons were killed.	<i>Brđanin</i> TJ, para. 456.
<b>m. Killings related to Omarska Camp and Keraterm Camp – Schedule B, 15.3</b>		
1220.	On 5 August 1992, detainees from the Keraterm and Omarska camps were put on buses which headed towards Sanski Most. On the way, unidentified Bosnian Serbs shot dead a number of them. Some of their bodies have been found in an area called Hrastova Glavica.	<i>Brđanin</i> TJ, para. 454.
1221.	The corpses of some of those taken away on the buses were later found in Hrastova Glavica and identified. A large number of bodies, 126, were found in this area.	<i>Stakić</i> TJ, para. 211.
1222.	In 121 of the cases, the forensic experts determined that the cause of death was gunshot wounds.	<i>Stakić</i> TJ, para. 211.
<b>n. Trnopolje camp – Schedule C, 20.4</b>		
1223.	The Trnopolje camp was established in the village of Trnopolje at the same time as the Omarska and Keraterm camps were established in Prijedor.	<i>Kvočka et al.</i> TJ, para. 674.
1224.	Trnopolje camp was officially closed down at the end of September 1992, but some of the detainees stayed there longer.	<i>Brđanin</i> TJ, para. 450.
1225.	Women, children, and the elderly tended to be taken to the Trnopolje camp.	<i>Kvočka et al.</i> TJ, para. 15.
1226.	The Trnopolje camp consisted of a two-storied former school building and what had been a municipal centre and attached theatre, known as the “dom”.	<i>Tadić</i> TJ, para. 173.
1227.	The commander of the Trnopolje camp was Slobodan Kuruzović. He was referred to in the camp as “Major” and wore a military uniform.	<i>Stakić</i> TJ, para. 189.
1228.	The camp guards were all dressed in military, rather than police uniform and were from Prijedor.	<i>Stakić</i> TJ, para. 189.
1229.	Kuruzović stayed in a house very close to the Trnopolje compound. He was often seen by the detainees accompanied by the Balaban brothers, well known for their brutality.	<i>Stakić</i> TJ, para. 189.

<b>Proposed Fact No.</b>	<b>Adjudicated Fact</b>	<b>Source</b>
1230.	As to the characteristics of Trnopolje camp, the entire camp was not fenced off deliberately as such, although parts of it were enclosed by a pre-existing wall. However, even if there had been just a line on the ground, nobody would have dared to cross it, on account of the fact that the camp was guarded on all sides by the army. There were machine-gun nests and well-armed posts pointing their guns towards the camp.	<i>Stakić</i> TJ, para. 187.
1231.	At one time the buildings at Trnopolje proved insufficient to house all inmates, many of whom were forced to camp outdoors in the grounds in makeshift shelters of plastic sheeting and the like.	<i>Tadić</i> TJ, para. 177.
1232.	There was no running water at all at Trnopolje, and only limited lavatory facilities.	<i>Tadić</i> TJ, para. 177.
1233.	There was almost no water to drink at Trnopolje, as only one pump existed for the whole camp.	<i>Tadić</i> TJ, para. 177.
1234.	No food was supplied by the camp authorities to the prisoners at Trnopolje.	<i>Tadić</i> TJ, para. 174.
1235.	Because of the lack of food and the unsanitary conditions at the Trnopolje camp, lice and scabies were rampant and the majority of inmates, one estimate is as high as 95 percent, suffered from dysentery	<i>Tadić</i> TJ, para. 177.
1236.	There were no beds or blankets at Trnopolje camp and detainees had to sleep on the floor. Some of them had to sleep outside.	<i>Brđanin</i> TJ, para. 941.
1237.	Although the scale of the abuse at the Trnopolje camp was less than that in the Omarska camp, mistreatment was commonplace. The Serb soldiers used baseball bats, iron bars, rifle butts and their hands and feet or whatever they had at their disposal to beat the detainees. Individuals who were taken out for questioning would often return bruised or injured.	<i>Stakić</i> TJ, para. 242.
1238.	There were many more incidents of rape at the Trnopolje camp between May and October 1992. Not all of the perpetrators were camp personnel. Some were allowed to visit the camp from the outside.	<i>Brđanin</i> TJ, para. 514.
1239.	One prisoner, Vasif Gutić, who had medical training, was assigned to work in the medical unit at Trnopolje and he often counseled and treated victims of rape, the youngest girl being 12 years of age.	<i>Tadić</i> TJ, para. 175.
1240.	In August 1992, Slobodan Kuruzović, the commander of Trnopolje camp, personally arranged for a Bosnian Muslim woman to be detained in the same house in which he had his office. Kuruzović raped that woman nearly every night for about a month. On two occasions, he stabbed her shoulder and her leg with his knife because she resisted against being raped.	<i>Brđanin</i> TJ, para. 513.
1241.	Rapes at the Trnopolje camp caused terrible fear and mental trauma among all the prisoners.	<i>Tadić</i> TJ, para. 175.
<b>o. Killings related to Trnopolje Camp</b>		
<i>i. Schedule B, 15.5</i>		

Proposed Fact No.	Adjudicated Fact	Source
1242.	Numerous killings occurred in Trnopolje camp. A number of detainees died as a result of the beatings received by the guards. Others were killed by camp guards with rifles. At least 20 inmates were taken outside the camp and killed there.	<i>Brđanin</i> TJ, para. 450.
<i>ii. Schedule B, 15.6</i>		
1243.	On 21 August 1992, buses started to arrive in the Trnopolje camp and the detainees were told to board them. It was mostly men who boarded the four buses. The camp commander, Slobodan Kuruzović was present for most of this time. The buses proceeded towards Kozarac, where they were joined by four other buses which had been loaded in Tukovi and eight lorries. The buses had been organised by the Serb authorities to transport people out of Prijedor into Muslim-held territory.	<i>Stakić</i> TJ, para. 215.
1244.	The convoy was accompanied by members of a special police unit of the Prijedor SJB.	<i>Stakić</i> TJ, para. 216.
1245.	Mount Vlašić was a landmark on the way to the final destination which was the line of separation between Serb and Muslim controlled territory in the direction of Travnik.	<i>Stakić</i> TJ, para. 216.
1246.	The buses and lorries came to a halt near a creek. The passengers were ordered to leave the buses and line up outside.	<i>Stakić</i> TJ, paras. 216.
1247.	A truck appeared and the women and children were told to board it. Another truck arrived and departed with more detainees but left behind a number of people who had been at the Trnopolje camp and some residents of Kozarac.	<i>Stakić</i> TJ, paras. 216.
1248.	The prisoners were then ordered to line up and board two of the buses. There were approximately 100 people packed onto each bus.	<i>Stakić</i> TJ, paras. 217.
1249.	One individual in police uniform appeared to be in charge during this transfer procedure.	<i>Stakić</i> TJ, paras. 217.
1250.	The bus travelled for about another 10-15 minutes and then drew up on a road flanked on one side by a steep cliff and on the other by a deep gorge.	<i>Stakić</i> TJ, paras. 217.
1251.	The area is referred to as Korićanske Stijene.	<i>Brđanin</i> TJ, para. 459.
1252.	The men were ordered to get out and walk towards the edge of the gorge where they were told to kneel down.	<i>Stakić</i> TJ, para. 217.
1253.	The individual who appeared to be in charge said: "Here we exchange the dead for the dead and the living for the living." Then the shooting began.	<i>Stakić</i> TJ, para. 217.
1254.	On 21 August 1992, approximately 200 men travelling on a convoy over Mount Vlašić were massacred by armed Serb men.	<i>Stakić</i> TJ, para. 600.
1255.	The dead bodies fell into the abyss or were pushed over the edge, sometimes by other Bosnian Muslims prior to their own execution. Grenades were thrown into the gorge to make sure no one would survive.	<i>Brđanin</i> TJ, para. 459.

Proposed Fact No.	Adjudicated Fact	Source
1256.	The primary perpetrators of the massacre on 21 August 1992 of approximately 200 men travelling on a convoy over Mount Vlašić were members of the Prijedor "Intervention Platoon", established by order of the Crisis Staff.	<i>Stakić</i> TJ, para. 600.
<b>p. Miška Glava Dom – Schedule C, 20.5</b>		
1257.	The secretary of the local commune had his office at the Miška Glava dom, which was staffed by the Territorial Defence.	<i>Brđanin</i> TJ, para. 858.
1258.	Interrogations and beatings occurred at the Miška Glava Community Centre. It was a cultural club which had been transformed into a command post.	<i>Stakić</i> TJ, para. 245.
1259.	Around 21 July 1992, a group of 114 people were moved in buses to Miška Glava where their names were recorded by an officer. People were regularly called out at the detention unit to be beaten.	<i>Stakić</i> TJ, para. 245.
1260.	Detainees were beaten during interrogations by Bosnian Serb soldiers with fists and rifle butts. They suffered concussions, bleeding and heavy bruising.	<i>Brđanin</i> TJ, para. 859.
<b>q. Ljubija Football Stadium – Schedule C, 20.6</b>		
1261.	Around 25 July 1992, Bosnian Muslim civilians detained in Miška Glava were transferred to the Ljubija football stadium.	<i>Stakić</i> TJ, para. 247.
1262.	Many civilians were already confined inside the stadium, guarded by Bosnian Serb policemen and members of an intervention platoon.	<i>Brđanin</i> TJ, para. 413.
1263.	On arriving at the stadium around 25 July 1992, people were seriously beaten.	<i>Stakić</i> TJ, paras. 247, 271.
<b>r. Prijedor Barracks – Schedule C, 20.7</b>		
1264.	The JNA barracks in Prijedor were known as the Žarko Zgonjanin barracks. This facility was set up as a transition detention centre.	<i>Stakić</i> TJ, para. 196.
<b>s. Property related Crimes</b>		
1265.	In-mid 1992, the Bosnian Muslim villages in Prijedor municipality of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići were also destroyed by Bosnian Serb forces. The houses were set on fire and looted. The VRS loaded their trucks with goods belonging to non-Serbs.	<i>Brđanin</i> TJ, para. 625.
1266.	Throughout the Prijedor municipality, mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken.	<i>Tadić</i> TJ, para. 150.
1267.	The main non-Serb settlements were surrounded, bombarded and invaded and during these attacks, care was taken not to damage the property of Serbs.	<i>Tadić</i> TJ, para. 465.
1268.	The old part of the town of Prijedor known as Stari Grad, inhabited mostly by Muslims, was destroyed.	<i>Stakić</i> TJ, para. 277; <i>Tadić</i> TJ, para. 151.

Proposed Fact No.	Adjudicated Fact	Source
1269.	Homes and businesses in Prijedor were heavily looted after the initial attack.	<i>Stakić</i> TJ, para. 277.
1270.	It was reported that by 28 May 1992 Kozarac was about 50 percent destroyed, with the remaining damage occurring in the period between June and August 1992.	<i>Tadić</i> TJ, para. 143.
1271.	As with other predominantly Muslim areas, soldiers looted after Kozarac town had been cleansed of its inhabitants.	<i>Tadić</i> TJ, para. 143.
1272.	In the attack on Kozarac care was taken to try to avoid damage to Serb property. The Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction.	<i>Tadić</i> TJ, para. 144.
1273.	Similarly, Serb-dominated villages such as Rajkovići and Podgrađe were either not shelled at all or only shelled accidentally.	<i>Tadić</i> TJ, para. 144.
1274.	By the end of the summer of 1992, the area of Kozarac was desolate, with many of the buildings which had survived the attack undamaged subsequently being looted and destroyed. Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac.	<i>Tadić</i> TJ, para. 146.
1275.	The town of Briševo was attacked and over a hundred houses were destroyed during the attack.	<i>Stakić</i> TJ, para. 283.
1276.	The soldiers looted various items from the houses in Briševo.	<i>Stakić</i> TJ, para. 284.
1277.	Muslim houses in Biščani were destroyed with traces of fire.	<i>Stakić</i> TJ, para. 290.
1278.	The Muslim village of Čarakovo suffered extensive damage and destruction and houses were looted.	<i>Stakić</i> TJ, para. 286.
1279.	The village of Kozaruša, which had a majority Muslim population, was destroyed and only Serb houses remained, for the most part, untouched.	<i>Stakić</i> TJ, para. 289.
1280.	Homes were destroyed and personal belongings looted in the attack on Rizvanovići, a predominantly Muslim village.	<i>Stakić</i> TJ, para. 292.
1281.	At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces.	<i>Stakić</i> TJ, para. 291.
<b>t. Destruction of Sacred Sites listed in Schedule D, 17</b>		
1282.	In May 1992, the Čaršijska mosque was destroyed. A group of men (including a bodyguard of Simo Drljača, Milorad Vokić) set the main mosque in Prijedor alight.	<i>Stakić</i> TJ, para. 298.
1283.	In May 1992, the mosque in Zagrad was destroyed.	<i>Stakić</i> TJ, para. 298.
1284.	The Prijedor mosque (Puharska section) was destroyed on 28 August 1992 by Serbs.	<i>Stakić</i> TJ, para. 305.

Proposed Fact No.	Adjudicated Fact	Source
1285.	In late August 1992 Bosnian Serb soldiers broke into the Roman Catholic Church in Prijedor to plant explosives in it. At 0100 hours the explosives detonated and destroyed the church.	<i>Brđanin</i> TJ, para. 652.
1286.	The mosque in Hambarine was shelled during the attack on Hambarine.	<i>Stakić</i> TJ, para. 297.
1287.	The Mutnik mosque was destroyed by Serbs.	<i>Stakić</i> TJ, para. 299.
1288.	The mosque in Kamičani was set alight by Serbs.	<i>Stakić</i> TJ, para. 301.
1289.	On 20 July 1992, the mosque in Biščani was destroyed.	<i>Stakić</i> TJ, para. 302.
1290.	On 29 July 1992, the Catholic church in Briševo was destroyed.	<i>Stakić</i> TJ, para. 303.
1291.	Within the summer months of 1992, the minaret of the mosque in Kozaruša was badly damaged.	<i>Brđanin</i> TJ, paras. 653, 642.
1292.	Within the summer months of 1992, the mosque in Gornji Puharska was razed to the ground.	<i>Brđanin</i> TJ, paras. 653, 642.
1293.	Within the summer months of 1992, the new mosque in Kevljani was completely destroyed by mines. The minaret and the mosque were blown up with explosives.	<i>Brđanin</i> TJ, paras. 653, 642.
<b>u. Removal of non-Serbs</b>		
1294.	By time armed Serb forces entered Hambarine supported by tanks and other weaponry and local leaders collected and surrendered most of the weapons, many of the inhabitants of Hambarine had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was also shelled.	<i>Tadić</i> TJ, paras. 140-141.
1295.	A number of the residents eventually returned to Hambarine, by then under Serb control, although only temporarily because on 20 July 1992 the last major cleansing in the municipality occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija.	<i>Tadić</i> TJ, para. 141.
1296.	In the Municipality of Prijedor, Bosnian Muslims and Bosnian Croats were gathered in Trnopolje camp for their further transfer to other locations. Security was provided by the Commander of the SJB, the Bosnian Serb police and military for a number of convoys that transported people from Trnopolje camp to Travnik prior to 21 August 1992. Following the attack on Čarakovo, people from the village were taken to Trnopolje, and then to Travnik by Bosnian Serb forces.	<i>Brđanin</i> TJ, para. 559.
1297.	The Trnopolje camp was the culmination of the campaign of ethnic cleansing since those Muslims and Croats who were not killed at the Omarska or Keraterm camps were, from Trnopolje, deported from Bosnia and Herzegovina.	<i>Tadić</i> TJ, para. 178.



Proposed Fact No.	Adjudicated Fact	Source
1298.	<del>Trnopolje became a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina. Many people from Prijedor were taken to Trnopolje after their villages had been attacked by the Bosnian Serb forces and others came to Trnopolje on their own initiative, from where they were driven out of the area in convoys of buses.</del>	<i>Brđanin TJ, para. 855.</i>
<b>11. The Municipality of Sanski Most</b>		
<b>a. Takeover of the Municipality</b>		
1299.	In Sanski Most, the SDS took control over the municipality on 19 April 1992 through an armed attack on the municipality building conducted by the JNA's 6th Krajina Brigade, TO forces and members of a Bosnian Serb paramilitary group known as the Red Berets.	<i>Brđanin TJ, para. 102.</i>
1300.	At the end of May 1992, after calls for disarmament had been made, attacks were launched on the Bosnian Muslim neighbourhoods and villages of Mahala, Muhići, Begići, Hrustovo, Vrhpolje and some other villages. These attacks were planned well in advance by the army and the municipal Crisis Staff, and were carried out by the army acting jointly with the SOS.	<i>Brđanin TJ, para. 102.</i>
1301.	Heavy shelling from outside the targeted neighbourhoods or villages caused severe damage and people were killed. The shelling forced the inhabitants of these villages to flee.	<i>Brđanin TJ, para. 102.</i>
1302.	After the troops had entered the villages, a number of people who had not fled were killed.	<i>Brđanin TJ, para. 102.</i>
<b>b. Killings</b>		
<i>i. Schedule B, 12.1</i>		
1303.	On 31 May 1992, Bosnian Serb soldiers entered Begići and rounded up its inhabitants. Men were separated from women and children.	<i>Brđanin TJ, para. 416.</i>
1304.	Between 20 and 30 men were taken towards the Vrhpolje bridge where they were supposed to be put on buses.	<i>Brđanin TJ, para. 416.</i>
1305.	Jadranko Palija was in charge of leading the column of men from Begići to Vrhpolje bridge, which spans the Sana River.	<i>Brđanin TJ, para. 417.</i>
1306.	Four Bosnian Muslim men were killed by Jadranko Palija on the way to the bridge. Upon arrival, the other men were ordered to take off their clothes and line up. Many Bosnian Serb soldiers in different uniforms were present. The Bosnian Muslim men were ordered to jump off the bridge into the Sana River one by one. Once in the water, the soldiers opened fire upon them. At least 28 persons were killed in this event.	<i>Brđanin TJ, para. 417.</i>
<i>ii. Schedule B, 12.2</i>		
1307.	On 31 May 1992, soldiers in JNA uniforms, who referred to themselves as the 'Serbian Army', came to the village of Hrustovo, which was inhabited by Bosnian Muslims. Prior to their arrival, there had been announcements on the local radio on behalf of the 'Serbian Republic' demanding that Bosnian Muslims surrender their weapons.	<i>Brđanin TJ, para. 418.</i>

Proposed Fact No.	Adjudicated Fact	Source
1308.	In Kukavice, another hamlet of Hrustovo, Bosnian Muslims from various hamlets gathered in a garage adjacent to Ibrahim Merdanović's house. Out of 30 persons inside the garage, there was only one man, Husein Merdanović, the rest being women and children.	<i>Brđanin</i> TJ, para. 418.
1309.	Bosnian Serb soldiers came to the garage adjacent to Ibrahim Merdanović's house and started shouting.	<i>Brđanin</i> TJ, para. 419.
1310.	Shots were fired, and the people inside the garage panicked.	<i>Brđanin</i> TJ, para. 419.
1311.	Husein Merdanović walked out of the garage and was shot dead immediately.	<i>Brđanin</i> TJ, para. 419.
1312.	Then, the soldiers started to fire into the garage randomly. Some people left the garage and tried to escape, but the soldiers continued to shoot at them as they fled.	<i>Brđanin</i> TJ, para. 419.
1313.	At a minimum, 15 members of the Merdanović family were killed.	<i>Brđanin</i> TJ, para. 419.
<i>iii. Schedule B, 12.4</i>		
1314.	The hamlet of Budim belongs to the village of Lukavica. Before 1992, it was nicknamed 'Alibegović' because the majority of its Bosnian Muslim inhabitants shared that surname.	<i>Brđanin</i> TJ, para. 421.
1315.	On 1 August 1992, Bosnian Serb soldiers attacked Budim and executed 14 members of the Alibegović family, all of whom were unarmed civilians. The victims were shot from a close distance with automatic weapons.	<i>Brđanin</i> TJ, para. 421.
<i>iv. Schedule B, 12.5</i>		
1316.	The village of Škrljevitica had a majority Bosnian Croat population.	<i>Brđanin</i> TJ, para. 422.
1317.	On 2 November 1992, seven Bosnian Croats from Škrljevitica were rounded up by Bosnian Serb paramilitary forces at the Glamošnica forest.	<i>Brđanin</i> TJ, para. 422.
1318.	The Bosnian Serb paramilitaries claimed to belong to 'Šešelj's Army'. One of them was wearing a military police belt and camouflage uniform, another had Serb insignia carved into his rifle butt.	<i>Brđanin</i> TJ, para. 422.
1319.	After having body-searched their victims, the Bosnian Serbs, among them a certain Daniluško Kajtez, executed seven Bosnian Croats.	<i>Brđanin</i> TJ, para. 422.
<b>c. Detention Facilities in the Municipality Generally – Schedule C, 22.1 – 22.3 &amp; 22.5</b>		
1320.	Beginning 27 May 1992, Bosnian Muslim and Bosnian Croat civilians were detained both by regular and Bosnian Serb military police. They were confined until about the end of August 1992.	<i>Brđanin</i> TJ, para. 868.
<b>d. SJB Building and Prison in Sanski Most – Schedule C, 22.1</b>		
1321.	Some of those detained were initially taken to the SUP building in Sanski Most and interrogated. Those detained at the SUP were all prominent civilians who held important positions in the community life of Sanski Most,	<i>Brđanin</i> TJ, para. 870.

Proposed Fact No.	Adjudicated Fact	Source
	with the exception of one underage detainee.	
1322.	Some detainees remained confined at the SUP building for as long as three months.	<i>Brđanin</i> TJ, para. 870.
1323.	The SUP building was guarded by policemen.	<i>Brđanin</i> TJ, para. 871.
1324.	Detainees from other detention facilities in Sanski Most were also brought into the SUP for interrogation. They were interrogated by criminal police investigators from the Sanski Most police.	<i>Brđanin</i> TJ, para. 872.
1325.	A detainee recognised Colonel Basara, the commander of the 6th Light Brigade, in camouflage uniform, at the SUP building. Another heard him give speeches to the Bosnian Serb soldiers in front of it.	<i>Brđanin</i> TJ, para. 871.
1326.	Beatings of detainees took place during interrogation, with the use of rifle-butts, electric cables, poles, feet and fists and threats were made.	<i>Brđanin</i> TJ, para. 873.
1327.	During interrogations, the perpetrators of the beatings were regular police officers and soldiers wearing camouflage uniforms of the VRS.	<i>Brđanin</i> TJ, para. 873.
1328.	Beatings also took place in the SUP outside interrogation. Beatings were mostly conducted by the guards.	<i>Brđanin</i> TJ, para. 874.
1329.	Whilst detained at the cells in the SUP, Bosnian Serb soldiers, inebriated at times, were given access to detainees and would beat them, as would civilians.	<i>Brđanin</i> TJ, para. 874.
1330.	“Hodža” Emir Seferović and SDA secretary Hasim Kamber were beaten daily, and were eventually killed.	<i>Brđanin</i> TJ, para. 875.
1331.	From the SUP, some detainees were transferred to other Sanski Most detention facilities such as the Betonirka factory garages, the Hasan Kikić School, a military facility at Magarice and also to Manjača in Banja Luka municipality.	<i>Brđanin</i> TJ, para. 876.
1332.	At the SUP, after the arrival of ICRC representatives, beatings became less frequent and were limited to once a week. Visits by family members were also allowed after that.	<i>Brđanin</i> TJ, para. 877.
<b>e. Betonirka Factory Garage – Schedule C, 22.2</b>		
1333.	Bosnian Croat and Bosnian Muslim men from Sanski Most were detained at Betonirka factory garages. There were around 120 detainees. They were all civilians.	<i>Brđanin</i> TJ, para. 878.
1334.	The detainees’ length of stay at the Betonirka factory garages varied between three days to over a month.	<i>Brđanin</i> TJ, para. 950.
1335.	At some point, one of the garages was so crowded that the detainees had to sleep sitting up.	<i>Brđanin</i> TJ, para. 950.
1336.	There was no ventilation in the garages, since the windows were covered.	<i>Brđanin</i> TJ, para. 951.
1337.	The amount of food given to detainees was insufficient and its quality deficient.	<i>Brđanin</i> TJ, para. 952.

<b>Proposed Fact No.</b>	<b>Adjudicated Fact</b>	<b>Source</b>
1338.	Sanitary conditions at the Betornika factory garages were totally inadequate. The detainees could only use the field toilet when the garage was open which depended on the whims of the guards. If not, they had to relieve themselves in a bucket inside the garage, or in nylon bags. There was no water for bathing or for washing clothes.	<i>Brđanin</i> TJ, para. 953.
1339.	Beatings took place with horrifying regularity at the Betonirka factory garages. Beatings were carried out with the use of cables, feet of tables, spades and feet.	<i>Brđanin</i> TJ, para. 880.
1340.	These beatings caused serious injuries to the detainees.	<i>Brđanin</i> TJ, para. 881.
1341.	Enver Burnić, a Bosnian Muslim former policeman, was taken outside the Betonirka factory garages, on St Vitus' day (28 June) by shift commander Martić, a Bosnian Serb policeman, who was drunk, and by two policemen, and beaten – he was told at the time that a bullet was too costly a way for him to die.	<i>Brđanin</i> TJ, para. 881.
1342.	The perpetrators of the beatings were the facility's guards, particularly the shift commander Martić. Bosnian Serb outsiders also beat the detainees, with the guards' knowledge and acquiescence.	<i>Brđanin</i> TJ, para. 882.
1343.	There were no medical facilities available for the treatment of injuries at Betonirka.	<i>Brđanin</i> TJ, para. 954.
1344.	Drago Vujanić was the warden of the SUP building and of Betonirka factory garages. He and his deputy, Mićo Krunić, were members of the police. The guards at Betonirka factory garages were Bosnian Serb regular and reserve policemen, and soldiers.	<i>Brđanin</i> TJ, para. 879.
1345.	On one occasion, at the time when reserve policeman Mladen Paprić was the camp commander, he stopped individuals from beating a detainee. He was eventually replaced as warden of the camp by Drago Vujanić.	<i>Brđanin</i> TJ, para. 883.
<b>f. Killings related to the Betonirka Factory Garage – Schedule B, 17.1</b>		
1346.	Kriva Cesta is the name of an area located near the Partisan cemetery in Sanski Most.	<i>Brđanin</i> TJ, para. 420.
1347.	On 22 June 1992, Bosnian Serb soldiers in olive-grey and camouflage uniforms ordered around 20 Bosnian Muslim men to dig a hole in a stream flowing below Kriva Cesta.	<i>Brđanin</i> TJ, para. 420.
1348.	All but three of these men did not finish with the work because their throats were slit by Simo Simetić, one of the uniformed men.	<i>Brđanin</i> TJ, para. 420.
1349.	During the operation, the other soldiers pointed their guns at the men to prevent any kind of resistance.	<i>Brđanin</i> TJ, para. 420.
<b>g. Hasan Kikić School Sport Halls – Schedule C, 22.3</b>		
1350.	About 500-600 individuals were taken to the gymnasium of the Hasan Kikić Elementary School, including 200 men that were brought in from Ključ. Their length of stay was about three or four days.	<i>Brđanin</i> TJ, para. 884.

Proposed Fact No.	Adjudicated Fact	Source
1351.	The gymnasium was staffed by guards in police and camouflage uniforms, under the command of Martić.	<i>Brđanin</i> TJ, para. 885.
1352.	There were beatings at the Hasan Kikić gymnasium, as a result of which one detainee was suicidal.	<i>Brđanin</i> TJ, para. 886.
1353.	These beatings were particularly severe when detainees were led to board the truck that took around 150 of them to Manjača on 6 June 1992. They were transported in very hot temperatures in trucks covered by tarpaulin, and were not given any water during the whole journey that lasted from morning until evening.	<i>Brđanin</i> TJ, para. 886.
<b>h. Magarice Military Facility – Schedule C, 22.5</b>		
1354.	A Bosnian Muslim detainee was beaten with truncheons by two soldiers outside a Bosnian Serb army position in Magarice, after he was taken before Colonel Basara. When he was transferred to the SUP, he was unable to lie down as a result of his injuries, because he was severely beaten.	<i>Brđanin</i> TJ, para. 887.
<b>i. Property related Crimes</b>		
1355.	In May 1992, the 6th Sana Brigade attacked Mahala, the Bosnian Muslim neighbourhood of Sanski Most town. After shelling the town of Sanski Most, Bosnian Serb military and police began looting the houses and business premises of Bosnian Muslims and in some cases of Bosnian Croats. Houses and business premises were also damaged with rockets launched from hand-held launchers called “zoljas”. The 6th Sana Brigade was responsible for blowing up Bosnian Muslim business premises in Sanski Most. No efforts were made to prevent or stop the violence.	<i>Brđanin</i> TJ, para. 632.
1356.	After attacks against the Bosnian Muslim neighbourhoods and villages of Mahala, Muhići, Begići, Hrustovo, Vrhpolje and some other villages, houses were looted and people fleeing were deprived of the valuables that they were carrying with them.	<i>Brđanin</i> TJ, para. 102.
1357.	The surrounding villages of Sanski Most municipality, including Hrustovo, Begići and Lukavice were also shelled by Bosnian Serb forces. On 31 May 1992, soldiers arrived in the village of Begići, looting homes and setting houses and barns on fire.	<i>Brđanin</i> TJ, para. 633.
<b>j. Destruction of Sacred Sites listed in Schedule D, 19</b>		
1358.	Mosques in Sanski Most were subject to major damage by Bosnian Serb forces. The mosques in the villages of Čapalj, Hrustovo, Lukavice, Kamengrad and Tomina were destroyed in 1992 by the Bosnian Serb forces.	<i>Brđanin</i> TJ, para. 655.
<b>k. Removal of non-Serbs</b>		
1359.	In the municipality of Sanski Most, Bosnian Muslim representatives met with Bosnian Serb municipal authorities and representatives of the SDS on several occasions between June and August 1992, during which they requested that the Bosnian Serb municipal authorities organise convoys so that Bosnian Muslims could safely leave the area. They organised a convoy of approximately 2,000 Muslim men, women, children and elderly that left for Travnik at the beginning of August 1992.	<i>Brđanin</i> TJ, para. 560.

Proposed Fact No.	Adjudicated Fact	Source
1360.	Bosnian Serb civilian and military police also escorted a Travnik-bound convoy of approximately 2,500 Bosnian Muslim men, women, children and elderly on 2 and 3 September 1992.	<i>Brđanin</i> TJ, para. 560.
<b>12. The Municipality of Višegrad</b>		
<b>a. Background</b>		
1361.	The municipality of Višegrad is located in south-eastern Bosnia and Herzegovina, bordered on its eastern side by the Republic of Serbia. Its main town, Višegrad is located on the eastern bank of the Drina River.	<i>Vasiljević</i> TJ, para. 39
1362.	In November 1990, multi-party elections were held in Višegrad. Two parties, the primarily Muslim SDA (Party for Democratic Action) and the primarily Serb SDS (Serbian Democratic Party) shared the majority of the votes.	<i>Vasiljević</i> TJ, para. 40
1363.	The results closely matched the ethnic composition of the municipality, with 27 of the 50 seats that composed the municipal assembly being allocated to the SDA and 13 to the SDS. Serb politicians were dissatisfied with the distribution of power, feeling that they were under-represented in positions of authority. Ethnic tensions soon flared up.	<i>Vasiljević</i> TJ, para. 40
1364.	In 1991, about 21,000 people lived in the municipality, about 9,000 in the town of Višegrad. Approximately 63% of the population was of Muslim ethnicity, while about 33% was of Serb ethnicity.	<i>Vasiljević</i> TJ, para. 39
<b>b. Takeover of the Municipality</b>		
1365.	From early 1992, Muslim citizens were disarmed or requested to surrender their weapons. In the meantime, Serbs started arming themselves and organized military training. Muslims also attempted to organize themselves, although they were much less successful in doing so.	<i>Vasiljević</i> TJ, para. 41
1366.	Soon after 4 April 1992, both of the opposing groups raised barricades around Višegrad, which was followed by random acts of violence including shooting and shelling. In the course of one such incident, mortars were fired at Muslim neighbourhoods. As a result, many civilians fearing for their lives fled from their villages.	<i>Vasiljević</i> TJ, para. 42
1367.	From 4 April 1992, Serb politicians repeatedly requested that the police be divided along ethnic lines.	<i>Vasiljević</i> TJ, para. 42
1368.	In early April 1992, a Muslim citizen of Višegrad, Murat Šabanović, took control of the local dam and threatened to release water.	<i>Vasiljević</i> TJ, para. 42
1369.	On about 13 April 1992, Šabanović released some of the water, damaging properties downstream. The following day, the Užice Corps of the JNA intervened, took over the dam and entered Višegrad.	<i>Vasiljević</i> TJ, para. 42
1370.	Even though many Muslims left Višegrad fearing the arrival of the Užice Corps of the JNA, the actual arrival of the Corps had, at first, a calming effect. After securing the town, JNA officers and Muslim leaders jointly led a media campaign to encourage people to return to their homes. Many actually did so in the later part of April 1992. The JNA also set up negotiations between the two sides to try to defuse ethnic tension. Some	<i>Vasiljević</i> TJ, para. 43

Proposed Fact No.	Adjudicated Fact	Source
	<del>Muslims, however, were concerned by the fact that the Užice Corps was composed exclusively of Serbs.</del>	
1371.	<del>Soon thereafter, convoys were organized, emptying many villages of their non-Serb population.</del>	<i>Vasiljević</i> TJ, para. 44
1372.	<del>On one occasion, thousands of non-Serbs from villages on both sides of the Drina River from the area around the town of Višegrad were taken to the football stadium in Višegrad. There, they were searched for weapons and were addressed by a JNA commander. He told them that the people living on the left side of the Drina River could return to their villages, which had been cleansed of "reactionary forces", whereas the people from the right side of the Drina River were not allowed to go back. As a consequence, many people living on the right side of the Drina River either stayed in the town of Višegrad, went into hiding or fled.</del>	<i>Vasiljević</i> TJ, para. 44
1373.	<del>On 19 May 1992, the JNA withdrew from Višegrad. Paramilitary units stayed behind, and other paramilitaries arrived as soon as the army had left town. Some local Serbs joined them.</del>	<i>Vasiljević</i> TJ, para. 45
1374.	<del>Those non-Serbs who remained in the area of Višegrad, or those who returned to their homes, found themselves trapped, disarmed and at the mercy of paramilitaries which operated with the acquiescence, of the Serb authorities, in particular by the then Serb only police force.</del>	<i>Vasiljević</i> TJ, para. 47
1375.	<del>Soon after the withdrawal of the Užice Corps of the JNA from Višegrad on 19 May 1992, several paramilitary organizations carried out widespread criminal activity within the territory of the municipality of Višegrad.</del>	<i>Vasiljević</i> TJ, para. 72
1376.	<del>As early as June 1992, non-Serb civilians were arbitrarily killed.</del>	<i>Vasiljević</i> TJ, para. 49
1377.	<del>In the months following April 1992, hundreds of non-Serbs, mostly Muslim, men and women, children and elderly people, were killed. Hundreds of other Muslim civilians of all ages and of both sexes were exhumed from mass graves in and around Višegrad municipality.</del>	<i>Vasiljević</i> TJ, paras. 51-52
1378.	<del>The number of disappearances peaked in June and July 1992. Sixty-two percent of those who went missing in the municipality of Višegrad in 1992 disappeared during those two months. Most if not all of those who disappeared were civilians.</del>	<i>Vasiljević</i> TJ, para. 53
1379.	<del>The pattern and intensity of disappearances in Višegrad paralleled that of neighbouring municipalities which now form part of Republika Srpska. Disappearances in those various neighbouring municipalities occurred at approximately the same time.</del>	<i>Vasiljević</i> TJ, para. 53
1380.	<del>Non-Serb citizens were subjected to other forms of mistreatment and humiliation, such as rapes or beatings.</del>	<i>Vasiljević</i> TJ, para. 54
1381.	<del>Many non-Serb civilians who had not yet fled were systematically expelled in an orderly fashion. Convoys of buses were organized to drive them away, and the police force sometimes escorted them.</del>	<i>Vasiljević</i> TJ, para. 55
1382.	<del>Injured or sick non-Serb civilians were denied access to medical treatment.</del>	<i>Vasiljević</i>

Proposed Fact No.	Adjudicated Fact	Source
		TJ, para. 54
1383.	<del>In the process of their transfer, identification documents and valuables were often taken away. Some of these people were exchanged, whilst others were killed.</del>	<i>Vasiljević</i> TJ, para. 55
1384.	<del>In one incident, Muslim men who had been told that they would be exchanged were taken off a bus, lined up and executed.</del>	<i>Vasiljević</i> TJ, para. 55
1385.	<del>Muslim homes were looted and often burnt down.</del>	<i>Vasiljević</i> TJ, para. 55
1386.	<del>Within a few weeks, the municipality of Višegrad was almost completely cleansed of its non-Serb citizens, and the municipality was eventually integrated into what is now Republika Srpska.</del>	<i>Vasiljević</i> TJ, para. 58
1387.	<del>Today, most of the people living in Višegrad are of Serb ethnicity. Such dramatic changes in ethnic composition occurred systematically throughout what is now the Republika Srpska, but proportionally the changes in Višegrad were second only to those which occurred in Srebrenica.</del>	<i>Vasiljević</i> TJ, para. 56
1388.	<del>The two mosques located in the town of Višegrad were destroyed.</del>	<i>Vasiljević</i> TJ, para. 55
<b>c. Killings, Schedule A, 14.1</b>		
1389.	<del>On 14 June 1992, more than 60 Muslim civilians of all ages fleeing from Koritnik and Sase were locked up in a Muslim house in Pionirska Street, Višegrad, by local Serb paramilitaries, led by Milan Lukić.</del>	<i>Vasiljević</i> TJ, para. 50
1390.	<del>The house was then set on fire.</del>	<i>Vasiljević</i> TJ, para. 50
1391.	<del>Those who tried to escape through one of the windows were shot at and all but six were burned alive.</del>	<i>Vasiljević</i> TJ, para. 50
1392.	<del>Approximately sixty six (66) people died as a result of the fire.</del>	<i>Vasiljević</i> TJ, para. 128