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28 February 2012



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

Case No. IT-09-92-PT
Date: 28 February 2012
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 28 February 2012

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

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

Office of the Prosecutor
Mr. Dermot Groome
Mr. Peter McCloskey

Counsel for Ratko Mladić
Mr. Branko Lukić
Mr. Miodrag Stojanović

I. PROCEDURAL HISTORY

1. On 20 October 2011, the Prosecution filed a proposed template for its adjudicated facts motion,¹ to which the Defence had agreed.² On 10 November 2011, the Chamber issued guidance to the parties on adjudicated facts and the format of the motions.³ On 7 December 2011, the Prosecution filed a motion requesting an extension of the word limit for its adjudicated facts motion.⁴ On the same day, the Chamber granted the motion and informed the parties accordingly through an informal communication.⁵ On 9 December 2011, the Prosecution filed a motion, requesting that the Chamber take judicial notice of certain adjudicated facts (“Motion”).⁶ In the Motion, the Prosecution also requested that the Chamber accept its proposed procedure for potential rebuttal evidence where the Defence has, in the presentation of its case, offered evidence challenging an adjudicated fact (“Rebuttal Evidence Procedure”).⁷

2. On 19 December 2011, the Defence filed an urgent motion requesting time and word count extensions for its response to the Motion.⁸ The Prosecution had earlier indicated that it would not oppose a request for time extension.⁹ On 20 December 2011, the Chamber granted the time and word count extensions and communicated the decision to the parties through an informal communication, setting the deadline for a Defence response to 1 February 2012. On 1 February 2012, the Defence filed its response (“Response”).¹⁰

3. Already on 13 January 2012, the Prosecution filed a request for leave to reply to the then-upcoming Defence Response and to extend the time for the reply (“Reply Request”).¹¹ The Defence did not object to the request.¹² On 19 January 2012, the Chamber denied the Reply Request without prejudice, as being premature.¹³ On the same day, after further submissions, the presiding Judge informed the parties that the Chamber would reconsider the Reply Request once the Response has

¹ Proposed Adjudicated Facts Motion Template, 20 October 2011.

² Proposed Adjudicated Facts Motion Template, 20 October 2011, para. 4.

³ T. 102-103.

⁴ Urgent Prosecution Submission to Exceed Word Limit, 7 December 2011.

⁵ See T. 146.

⁶ Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 December 2011. Due to a clerical error, the Prosecution filed a corrigendum to this motion on 14 December 2011 (Corrigendum to Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 December 2011).

⁷ Motion, paras 25-27.

⁸ Defence Urgent Motion to Enlarge Time and Word Count for Response to Adjudicated Facts, 19 December 2011.

⁹ Motion, para. 31.

¹⁰ Defence Response to Prosecution Motion for Judicial Notice of Adjudicated Facts Filed 9 December 2011, 1 February 2012. Due to a clerical error, the Defence filed a corrigendum to the Response on 2 February 2012 (Corrigendum to Defence Response to Prosecution motion for Judicial Notice of Adjudicated Facts Filed 9 December 2011, 2 February 2012).

¹¹ Prosecution Request for Leave to Reply to Upcoming Defence Response to Prosecution Adjudicated Facts Motion and to Extend Time to File Reply, 13 January 2012.

¹² Transcript of 16 January 2012 65^{ter} meeting, T. 20.

¹³ T. 169.

been filed.¹⁴ The Prosecution informed the Chamber that it would notify the Chamber within 48 hours after receiving the Response of its position with respect to whether it would uphold the Reply Request as originally submitted, have it amended or withdrawn.¹⁵ Following the Response, and the Chamber's inquiry about the status of the Reply Request, the Prosecution informed the Chamber that it did not seek to amend or withdraw the Reply Request before the Chamber's reconsideration decision.¹⁶ On 7 February 2012, after reconsideration, the Chamber denied the Reply Request and informed the parties of the decision. This decision is hereby put on the record.

II. SUBMISSIONS OF THE PARTIES

4. The Prosecution requests that the Chamber take judicial notice of 2,883 proposed adjudicated facts ("Proposed Facts"), which are divided into three thematic Annexes relevant to the major components of the Indictment: Municipalities (Annex A), Srebrenica (Annex B), and Sarajevo (Annex C).¹⁷ The Prosecution submits that taking judicial notice of the Proposed Facts pursuant to Rule 94 (B) of the Rules on Procedure and Evidence ("Rules") is in the interest of justice, respects the rights of the Accused to a fair, public and expeditious trial, and will promote judicial efficiency by potentially resulting in significant savings of hearing time.¹⁸ The Prosecution further submits that the Proposed Facts fulfil the admissibility requirements of Rule 94 (B) in that they are clear, unambiguous, and relevant to the case.¹⁹

5. The Defence objects to the Chamber taking judicial notice of all but 38 Proposed Facts, all contained in Annex A.²⁰ It submits that the Motion violates the right to a fair trial and infringes on the presumption of innocence of the Accused seeking to have judicial notice taken of a large number of facts, including key facts of most, if not all of the alleged crimes.²¹ The Defence also argues that many Proposed Facts are presented by the Prosecution as establishing direct criminal liability of the Accused.²² It further submits that the Prosecution proposes that judicial notice under Rule 94 (B) is taken of "notorious facts", whereas it would be more appropriate to take judicial notice of them pursuant to Rule 94 (A), that many Proposed Facts do not meet the requirements for judicial notice established by the Tribunal's jurisprudence, and that the Prosecution often merely

¹⁴ Ibid.

¹⁵ T. 170.

¹⁶ The Prosecution's announcement and the Chamber's inquiry were done through an informal communication.

¹⁷ Motion, paras 1, 15-23, Annexes A-C, Corrigendum to Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 December 2011.

¹⁸ Motion, paras 1-2, 4-5, 10-11, 24.

¹⁹ Motion, paras 2, 4, 6-7, 13-14.

²⁰ Response, para. 17.

²¹ Response, para. 8.

²² Response, para. 17.

recycles facts that had been rejected by other Trial Chambers as improper for judicial notice.²³ It also argues that many Proposed Facts are vague and general, and do not have a citation in the original judgement making them inappropriate for judicial notice.²⁴ The Defence, therefore, requests the Chamber to deny the Motion with the exception of those Proposed Facts to which the Defence has not raised any objections.²⁵

III. APPLICABLE LAW

6. Rule 94 (A) of the Rules provides that:

A Trial Chamber shall not require proof of facts of common knowledge but shall take judicial notice thereof.

7. 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 of the authenticity of documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

8. Under Rule 94 (B), the Chamber retains full discretion to determine which adjudicated facts to recognize following a careful consideration of the accused's rights to a fair and expeditious trial.²⁶ In this respect, a balance must be achieved between the purpose of taking judicial notice, namely to promote judicial economy, and the fundamental right of the accused to a fair trial.²⁷ The principles guiding and limiting the Chamber in its discretion have been developed through the jurisprudence of the Tribunal.²⁸ In the exercise of its discretion, the Chamber will consider whether a Proposed Fact meets the following requirements:

- (i) The fact must be distinct, concrete and identifiable²⁹ and the judicial notice must not be used as a mechanism to circumvent the general Rules governing the admissibility of evidence.³⁰

²³ Response, paras 7, 13-14.

²⁴ Response, para. 19.

²⁵ Response, p. 11.

²⁶ *Prosecutor v. Édouard 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 et al.* Appeal Decision"), para. 41.

²⁷ *Karemera et al.* Appeal Decision, para. 39.

²⁸ *Karemera et al.* Appeal Decision, para. 41.

²⁹ *Prosecutor v. Vujadin 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 et al.* Decision"), para. 6; *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts of 14 and 23 June 2006, 7 September 2006 ("*Prlić et al.* Decision"), para. 18; *Prosecutor v. Momčilo 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 of 24 March 2005"), para. 14; *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements for Witnesses Pursuant to Rule 92bis, 28 February 2003 ("*Krajišnik* Decision of 28 February 2003"), para. 15.

- (ii) It must be relevant to the matters at issue in the current proceedings;³¹
- (iii) It must not include findings or characterizations that are of an *essentially* legal nature;³²
- (iv) It must not be based on a plea agreement or on facts voluntarily admitted in a previous case;³³
- (v) It must not have been contested on appeal, or, if it has, the fact has been settled on appeal;³⁴
- (vi) It must not relate to the acts, conduct or mental state of the accused.³⁵ The exclusion of Proposed Facts relating to the acts, conduct or mental state of the accused does not apply to the conduct of other persons for whose criminal acts and omissions the accused is allegedly responsible through one or more of the forms of responsibility enumerated in the Statute;³⁶
- (vii) The fact as formulated by the moving party must not differ in any substantial way from the facts actually adjudicated in the original judgement.³⁷

³⁰ *Prosecutor v. Momir Nikolić*, Case No. IT-02-60/1-A, Decision on Appellant's Motion for Judicial Notice, 1 April 2005, ("*Nikolić* Appeal Decision"), para. 17.

³¹ *Nikolić* Appeal Decision, paras 11, 48, 56; *Eliézer Niyitegeka v. The Prosecutor*, Case No. 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.

³² *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeals 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 ("*Dragomir Milošević* Appeal Decision"), para. 22.

³³ *Popović et al.* Decision, para. 11; *Prlić et al.* Decision, para. 18; *Krajišnik* Decision of 24 March 2005, para. 14; *Krajišnik* Decision of 28 February 2003, para. 15.

³⁴ *Prosecutor v. Zoran Kupreškić et al.*, 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, para. 6; *Krajišnik* Decision of 28 February 2003, paras 14-15.

³⁵ *Dragomir Milošević* Appeal Decision, para. 16; *Karemera et al.* Appeal Decision, paras 50-53.

³⁶ *Karemera et al.* Appeal Decision, para. 52.

³⁷ *Karemera et al.* Appeal Decision, para. 55; see also *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-PT, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94 (B), 17 December 2009, para. 8.

IV. DISCUSSION

A. General considerations

9. The Chamber will issue four separate decisions, each addressing one of the Annexes to the Motion and the Rebuttal Evidence Procedure, respectively.³⁸ The present decision will deal with the Proposed Facts contained in Annex A to the Motion. Before moving to the analysis of the Proposed Facts and deciding whether to take judicial notice of them, the Chamber will set out a number of general considerations relevant for its discussion of the Proposed Facts.

10. The Chamber considers that the examination of a particular Proposed Fact cannot be done in isolation and that it should be considered in conjunction with other Proposed Facts, especially with regard to time and place references.³⁹ In this respect, some Proposed Facts do not in themselves meet the necessary requirements for judicial notice. However, as long as the requirements are met when a particular Proposed Fact is read in the context of, or together with, other Proposed Facts, the Chamber will take judicial notice of the Proposed Fact, subject to possible reformulations or redactions. For these reasons, the Chamber has, for example, decided to take judicial notice of Proposed Facts Nos 270-274 and 281-283 even if some of them would not, at least not without being reformulated, meet the requirement that an adjudicated fact has to be distinct, concrete, and identifiable. For example, Proposed Fact No. 73 does not specify what "situation" it refers to, but this becomes clear when the Proposed Fact is read together with the preceding Proposed Facts. Certain Proposed Facts do not cover all aspects of the event or situation they refer to even when read in conjunction with other Proposed Facts. This does not, however, render such Proposed Facts unsuitable for judicial notice. In this respect, the Chamber notes that it is upon the moving party, should it consider it necessary, to present further evidence on the aspects not covered by the Proposed Facts.

11. For a number of Proposed Facts the Defence argues that the interest of justice and the rights to a fair and public trial support leading evidence on the Proposed Facts during trial.⁴⁰ The Chamber considers that by assessing all the Proposed Facts against the requirements set out in the Tribunal's jurisprudence, the appropriate balance between fairness and expediency of the trial is ascertained. The Defence also argues that if the information contained in a Proposed Fact is rebutted at trial, taking judicial notice of such a Proposed Fact would not advance judicial economy.⁴¹ The Chamber

³⁸ T. 171.

³⁹ See *Popović et al.* Decision, para. 8.

⁴⁰ Response, para. 16 (code B3).

⁴¹ Response, para. 16 (code B4).

notes that, with regard to most of the Proposed Facts, the Defence has not provided a basis on which it intends to challenge them at trial. In its discretion, the Chamber will address only those Proposed Facts to which the Defence has raised specific objections explaining why judicial economy would be disturbed. With respect to all other Proposed Facts, without having information about the grounds on which they would be challenged, the Chamber is unable to determine that, by denying to take judicial notice of these Proposed Facts, judicial economy would be better served than by taking judicial notice of them. Hence, considering the Defence's submissions, the Chamber will not take judicial notice of Proposed Facts Nos 322, 1030, and 1046.

12. The Defence argues that if judicial notice is taken of all the Proposed Facts, the trial will proceed with a presumption of guilt.⁴² The Chamber considers that taking judicial notice of the large number of Proposed Facts does not *per se* affect the fairness of the trial, which is guaranteed by the Chamber's examination of each Proposed Fact and by taking judicial notice of only those facts that satisfy the requirements for judicial notice. In particular, no Proposed Facts which relate to the acts, conduct, or mental state of the Accused, and which could thus substantially contribute to establishing the guilt of the Accused, will be judicially noticed by the Chamber.

13. When the Chamber takes judicial notice of a Proposed Fact referring to a document in which a certain issue was reported or stated, the Chamber does not take judicial notice of the veracity of the facts stated in the document. The Chamber merely takes judicial notice of the fact that a certain issue was reported or stated in the document. This can be illustrated by Proposed Fact No. 807, which states the following:

According to a report of the 1st Krajina Corps Command of 4 November, "a brutal massacre of the captured members of the Green Berets started because of the wounding of four and the killing of one soldier of the Kotor Varoš Light Infantry Brigade and the burning of wounded soldiers on Gola Planina (Jajce)".

In relation to this Proposed Fact, the Chamber takes judicial notice of the fact that a report of the 1st Krajina Corps Command stated that a massacre of the captured members of the Green Berets started because of the wounding of four and the killing of one soldier, and the burning of wounded soldiers. The Chamber does not take judicial notice of the veracity of the description of the facts in the report.

14. Similarly, with regard to Proposed Facts indicating that a person or an entity said something, the Chamber takes judicial notice of the fact that this person or entity made such a statement and not of the truth of the content of the statement itself. For example, Proposed Fact No. 282 states the following:

⁴² Response, para. 8.

Mičo Stanišić, then a member of the Bosnian-Serb Ministerial Council, stated that the Council and the Bosnian-Serb Assembly had decided to create a separate Serb MUP, and that it would be organized at state, regional, and municipal levels.

Proposed Fact No. 281 clarifies that Mičo Stanišić made this statement during a meeting on 11 February 1992. In this case, the Chamber takes judicial notice of the fact that Mičo Stanišić stated that the Council and the Bosnian-Serb Assembly had decided to create a separate Serb MUP which would be organized at state, regional, and municipal levels. The Chamber does not take judicial notice of the truth of the content of this statement, which is whether a decision to create a separate Serb MUP was adopted by the Council and the Bosnian-Serb Assembly, and whether it was organized at state, regional, and municipal levels.

15. With regard to certain Proposed Facts representing exclusively the content of documentary material, the Chamber has decided, in its discretion, to deny the request to take judicial notice of them, anticipating that the documents in question or their relevant portions would, in any event, be tendered into evidence during trial. In so deciding, the Chamber has carefully considered the nature of the documents and their potential importance to the current proceedings. In addition, the Chamber has considered the very limited added value of taking judicial notice of such Proposed Facts compared to admitting the underlying document or parts thereof into evidence. This is the case for Proposed Facts Nos 88-94, 275-280, 307, and 382, which concern, among others, the Variant A and B Instructions of 19 December 1991, a VRS Main Staff intelligence report on paramilitary formations, and the Instructions for Serbian people's crisis staff in Municipalities of 26 April 1992.

16. For certain Proposed Facts, the Prosecution has cited a number of findings in portions of appeals judgements. Such portions in an appeals judgement may contain a summary or rephrasing of portions of a trial judgement. In such situations, the Chamber has carefully reviewed the relevant trial judgements to ensure that the phrasing of the Proposed Fact is supported therein. This is relevant for Proposed Facts Nos 415, 418, and 498.

17. The Chamber considers that it is more appropriate to take judicial notice of certain Proposed Facts pursuant to Rule 94 (A), as opposed to Rule 94 (B), as these Proposed Facts relate to facts of common knowledge. The Tribunal's jurisprudence recognizes facts of common knowledge as encompassing facts that are not reasonably subject to dispute, in other words, commonly accepted or universally known facts, such as general facts of history or geography, or the laws of nature. Such facts are not only widely known, but also beyond reasonable dispute.⁴³ Proposed Facts Nos

⁴³ *Prosecutor v. Laurent Semanza*, Case No. ICTR-07-20-A, Judgement, 20 May 2005, para. 194; see *Nikolić v. Prosecutor*, Case No. IT-02-60/1-A, Decision on Appellant's Motion for Judicial Notice, 1 April 2005, para. 10.

496-497, which refer to the geographical location of Bijelina municipality and Proposed Fact No. 522, which refers to the geographical location of Foča town and municipality, are facts of common knowledge. The Chamber will, therefore, take judicial notice of these Proposed Facts pursuant to Rule 94 (A).

18. The Defence argues that Proposed Facts relating to military rules or regulations do not qualify for judicial notice.⁴⁴ The Chamber considers that military rules and regulations are not facts of common knowledge and Proposed Facts referring to such rules and regulations do not, therefore, qualify for judicial notice under Rule 94 (A).⁴⁵ The Chamber will take judicial notice of such Proposed Facts under Rule 94 (B), provided they satisfy the requirements for taking judicial notice.

19. Although in the Annex to the Motion, the Prosecution indicated when another Trial Chamber took or refused to take judicial notice of a Proposed Fact, the Chamber is not bound by other Trial Chambers' decisions in this respect. The Chamber has considered each Proposed Fact in the context of the present case and against the background of the applicable law.

20. Certain Proposed Facts are improperly cited, referring to different parts of the relevant judgements than where they originate from. An improper citation does not automatically lead the Chamber to deny judicial notice of a Proposed Fact. The Chamber will take judicial notice of a Proposed Fact if its source can be found elsewhere in the original judgement and provided it satisfies the requirements for judicial notice. This is, for example, the case for Proposed Fact No. 306, the source of which can be found in paragraph 196 of the *Krajišnik* Trial Judgement and not paragraph 415, as indicated in the Annex to the Motion.

21. In instances where the Chamber is satisfied that only a portion of a Proposed Fact meets the requirements for judicial notice, it will take judicial notice of that particular portion only. An Annex to this decision contains a list of adjudicated facts reformulated or redacted by the Chamber. Furthermore, the Chamber will not make purely editorial corrections to the Proposed Facts, such as adding a full stop behind a sentence, unless other modifications are also needed for them.

B. The Proposed Fact Must be Distinct, Concrete, and Identifiable

22. In this section, the Chamber will address the requirement that a Proposed Fact must be a finding of fact made by the relevant Chamber as opposed to, for example, essentially subjective qualifications or discussion of the evidence presented before it, and that the Proposed Fact must be distinct, concrete, and identifiable.

⁴⁴ Response, para. 16 (code C2).

⁴⁵ See *Nikolić* Appeal Decision, para. 34.

23. It can be difficult to ascertain whether a Trial Chamber makes finding of a fact, or whether it merely restates, discusses, or evaluates evidence presented before it. Judgements may contain sections in which evidence given by one or more witnesses is recalled by a Trial Chamber, but this evidence may or may not then be accepted by a Trial Chamber in reaching its findings. Only exceptionally will a Trial Chamber explicitly indicate that it makes a factual finding. Additionally, the Chamber notes that the evidence of a single witness can constitute a sufficient basis for a Trial Chamber's findings. Therefore, the Chamber will consider on a case by case basis, and in the context of the judgement as a whole, whether the Trial Chamber in question made any findings of fact on the basis of the evidence presented before it. Only such findings can constitute adjudicated facts within the meaning of Rule 94 (B) of the Rules.⁴⁶

24. For example, in the *Kunarac* Trial Judgement, a number of Proposed Facts originate from a section of the judgement entitled "Evidence", where the *Kunarac* Trial Chamber discusses evidence but makes no factual findings. The section where the *Kunarac* Trial Chamber makes findings is entitled "Findings of the Trial Chamber". The Chamber will only take judicial notice of the Proposed Facts originating in the latter section of the *Kunarac* Trial Judgement. The Chamber adds that in most other judgements, the distinction between the Chamber discussing evidence and making factual findings is not so clear. Therefore, the Chamber will determine whether a Proposed Fact reflects a finding made by the relevant Chamber on a case by case basis irrespective of in which part of the judgement the finding appears.

25. Some Proposed Facts originate from judgements which contain few source references to the evidence they are based on. This is the case, for example, in the *Tadić* Trial Judgement. It is, nevertheless, clear from the text of the *Tadić* Trial Judgement, when evidence is merely discussed by the Chamber, and when a finding is made. The lack of citations to supporting evidence does not prevent the Chamber from taking judicial notice of Proposed Facts originating from the *Tadić* Trial Judgement provided they satisfy the requirements for taking judicial notice.

26. Based on these considerations, the Chamber finds that Proposed Facts Nos 63, 84, 254, 490, 582-584, 586-589, 593-597, 601-603, 615-620, 861, 926, 928, 1077, and 1087-1088 are not the relevant Trial Chambers' findings and they will, therefore, not be further considered by the Chamber. In addition, Proposed Fact No. 410 contains recitations from the summary of the charges in the relevant case and does not, therefore, reflect the findings reached by the Trial Chamber.

⁴⁶ See *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Decision Partially Granting Motion of Mićo Stanišić for Judicial Notice of Adjudicated Facts, 29 June 2011, para. 5.

27. The Chamber considers that certain Proposed Facts⁴⁷ contain essentially subjective qualifications which cannot be considered to be of a purely factual nature.⁴⁸ For example, Proposed Fact No. 945 states:

Perhaps, the most notorious of the camps, where the most horrific conditions existed, was the Omarska camp.

The Chamber cannot determine any objective meaning of the words “notorious” and “horrific” from this Proposed Fact. In addition, the word “[p]erhaps” does not reflect a clear factual finding by the Trial Chamber and is inappropriate for judicial notice. The Chamber cannot accept such subjective qualifications because they represent the impressions of previous Trial Chambers of the facts that they found and are not factual findings themselves.

28. A number of Proposed Facts are repetitive of other Proposed Facts. In deciding which of the repetitive Proposed Facts to accept, the Chamber takes judicial notice of the fact that it finds clearer and more specific.⁴⁹ The Chamber has carefully examined the following Proposed Facts and considers that, on the basis of the underlying evidence, they substantially overlap with other Proposed Facts: Proposed Facts Nos 4, 107, 129, 381, 396, 452, 477, 536, 559, 663, 779-780, 783-784, 832, 1170, 1172-1176, 1182, and 1189.⁵⁰ The Chamber further finds that Proposed Facts Nos 644, 729-730, 932, and 1156 are identical to other Proposed Facts.⁵¹ The above Proposed Facts will, therefore, not be further considered.

29. The Chamber considers that certain Proposed Facts that contradict others do not satisfy this first requirement for taking judicial notice. With regard to Proposed Fact No. 265, the Chamber considers that the Proposed Fact as formulated is unclear as it needs a time reference. Reading the relevant judgement, the Chamber finds that the time reference would be “until late 1991”. However,

⁴⁷ Proposed Facts Nos 173, 466, 655-656, 945. In addition, a part of Proposed Fact No. 466 was merged with Proposed Fact No. 467.

⁴⁸ See *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Decision granting in part Prosecution’s Motions for Judicial Notice of Adjudicated Facts, 1 April 2010 (“*Stanišić and Župljanin Decision*”), para. 47.

⁴⁹ See *Stanišić and Župljanin Decision*, para. 48.

⁵⁰ Proposed Fact No. 4 is similar to Proposed Fact No. 48; Proposed Fact No. 107 is similar to Proposed Fact No. 108; Proposed Fact No. 129 to Proposed Fact No. 130; Proposed Fact No. 381 to Proposed Fact No. 345; Proposed Fact No. 396 to Proposed Fact No. 397; Proposed Fact No. 452 to Proposed Fact No. 308; Proposed Fact No. 477 to Proposed Fact No. 476; Proposed Fact No. 536 to Proposed Facts Nos 568 and 570; Proposed Fact No. 559 to Proposed Fact No. 561 and 563; Proposed Fact No. 663 to 660; Proposed Fact No. 779 to Proposed Fact No. 760; Proposed Fact No. 780 to Proposed Facts Nos 761 and 762; Proposed Fact No. 783 to Proposed Fact No. 760; Proposed Fact No. 784 to Proposed Fact No. 762; Proposed Fact No. 832 to Proposed Facts Nos 821-827; Proposed Fact No. 1170 to Proposed Fact No. 1171; Proposed Facts Nos 1172-1176 to Proposed Fact No. 1171; Proposed Fact No. 1182 to 1183; and Proposed Fact No. 1189 to Proposed Facts Nos 1143-1144 and 1146.

⁵¹ Proposed Fact No. 643 is identical to Proposed Fact No. 644; Proposed Fact No. 727 to Proposed Fact No. 729; Proposed Fact No. 728 to Proposed Fact No. 730; and Proposed Fact No. 1140 to Proposed Fact No. 1156.

this Proposed Fact as reformulated would contradict Proposed Fact No. 264. These Proposed Facts will, therefore, not be further considered by the Chamber.

30. Further, the Chamber finds that Proposed Facts Nos 59, 229, 262, 268, 305, 319, 395, 442, 444, 509, 518, 648, 653, 712, 985, and 1200 are not distinct and clear or are vague and overly broad and, therefore, do not satisfy the required criterion. For example, Proposed Fact No. 712 does not specify to which attack reference is being made and this is neither clear from the context of where the Proposed Fact is placed in the Motion, nor from the context of the original judgement.

31. In addition, Proposed Facts Nos 718 and 721 are closely interlinked and the Chamber decided to merge them in Proposed Fact No. 721 in order to clarify it. Proposed Fact No. 718 will, therefore, not be further considered. Similarly, a part of Proposed Fact No. 466 has been merged with Proposed Fact No. 467.⁵²

32. In conclusion, the Chamber is satisfied that the following facts do not fulfil the first criterion for judicial notice and will, therefore, not be further considered: Proposed Facts Nos 4, 59, 63, 84, 107, 129, 173, 229, 254, 262, 264-265, 268, 305, 319, 381, 395-396, 410, 442, 444, 452, 466, 477, 490, 509, 518, 536, 559, 582-584, 586-589, 593-597, 601-603, 615-620, 644, 648, 653, 655-656, 663, 712, 718, 729-730, 779-780, 783-784, 832, 861, 926, 928, 932, 945, 985, 1077, 1087-1088, 1156, 1170, 1172-1176, 1182, 1189, and 1200.

33. In addition, the Chamber also identified a number of Proposed Facts that do not satisfy the required criterion and which the Chamber cannot take judicial notice of in their present form. However, instead of rejecting them in their entirety, the Chamber considers that the appropriate remedy is their reformulation or redaction so that they satisfy the discussed criterion (see Annex). In this respect, a large number of Proposed Facts are not clear, distinct, and identifiable in their present form.⁵³ For example, Proposed Facts Nos 37, 85, 136, 144, 257, 269, 288, 324, 360, 407, 514, 527, 580, 585, 699, 746, 775, 1086, 1093, 1096-1097, and 1104-1106 lack time or place reference. Some sentences of Proposed Facts Nos 308, 446-447, 525, 761, 1115, and 1188 are overly broad and vague. Proposed Facts Nos 61, 201, 558, 705, 946, 960, 1037, 1044, and 1071 contain passages that do not represent the relevant Trial Chamber's findings, but only refer to

⁵² See supra footnote 47.

⁵³ Proposed Facts Nos 19, 25, 34, 37, 70, 85, 95, 100-101, 104, 108, 111, 118, 121, 132, 136, 138, 144, 151, 154, 164, 170, 172, 184, 187, 189, 193, 211, 222, 225, 227, 233, 257, 266, 269, 288, 292, 294, 303, 308, 316, 324, 344, 347, 350, 355, 360-361, 363, 367, 375, 388, 391, 397, 407, 425-426, 474, 476, 484, 493, 499, 506, 514, 527, 531, 540, 557, 564, 574, 578, 580, 585, 604-605, 608, 610-612, 621, 638, 678, 699, 720-721, 724, 740, 746, 756, 759-762, 773, 775-776, 781, 789-790, 792, 812, 827, 834, 846, 860, 886, 911, 917, 925, 929-930, 933, 936, 947, 951, 963, 975, 982-983, 1007, 1010, 1020, 1023, 1026, 1039, 1042, 1064, 1079, 1085-1086, 1093, 1096-1097, 1099, 1104-1106, 1123, 1135, 1137, 1142, 1146, 1148, 1151, 1154-1155, 1157, 1160, 1171, 1179, 1201, 1203, 1206, 1210, 1213, 1220, 1222, 1229-1230, 1232-1234, 1250, 1253-1254, 1256, 1260, 1263, and 1269.

evidence presented before that Trial Chamber. Proposed Facts Nos 36, 62, 67, 80, 95, 103, 114, 158, 260, 288, 296, 299, 432, 438, 465, 467, 521, 526, 547, 590, 633, 646, 651, 654, 657, 682, 834, 1010, 1033, 1073, and 1206 contain, in addition to factual findings, essentially subjective qualifications made by the original Trial Chamber. Certain Proposed Facts contain cross-references to other parts of the judgements they originate from.⁵⁴ For example, Proposed Fact No. 228 contains the phrasing “as stated above” clearly referring to statements previously made in the original trial judgement. Some parts of Proposed Facts Nos 309, 424, 999, 1112, 1155, 1160, and 1246 are repetitive or substantially overlap with information contained in other Proposed Facts.⁵⁵ These Proposed Facts will be reformulated by the Chamber in order to satisfy the present requirement (see Annex).

C. The Proposed Fact Must be Relevant to the Matters at Issue in the Current Proceedings

34. The Prosecution submits that the Proposed Facts have some relevance to an issue in the current proceedings.⁵⁶ The Defence challenges certain Proposed Facts on this basis, a large number of which are objected to on the grounds that they refer to a time period or a geographical location outside the scope of the Indictment.⁵⁷ Similarly, a number of Proposed Facts are challenged because they relate to a time period before “the Accused was appointed in VRS”.⁵⁸ The Chamber considers that even though the objected Proposed Facts refer to a time period or a geographical location outside the scope of the Indictment, this does not automatically render them irrelevant to the present case.

35. In addition, the Defence argues that a large number of Proposed Facts become problematic in the manner they are presented by the Prosecution.⁵⁹ Referring to column 6 of the Annexes to the Motion, the Defence argues that the Proposed Facts are represented by the Prosecution as establishing the direct criminal liability of the Accused.⁶⁰ The Chamber has looked at the relevant

⁵⁴ Proposed Facts Nos 30, 96, 124, 134, 140, 161, 196, 228, 232, 288, 301-302, 332, 377, 391, 409, 432, 441, 592, 613, 701, 736, 856, 901, 903, 934, 968, 1014, 1048, 1074, 1083, 1089, 1091, 1130, 1220, and 1244.

⁵⁵ Proposed Fact No. 309 overlaps partly with Proposed Fact No. 308, Proposed Fact No. 424 with Proposed Facts Nos 425 and 426; Proposed Fact No. 999 with Proposed Facts Nos 948 and 950, Proposed Fact No. 1112 with Proposed Facts Nos 893-895, Proposed Fact No. 1155 with Proposed Fact No. 1139, Proposed Fact No. 1160 with 1142, Proposed Fact No. 1246 with Proposed Fact No. 1245.

⁵⁶ Motion, paras 6, 13-14.

⁵⁷ Response, para. 17 (code B1, C1, C12).

⁵⁸ Response, para. 16 (code B1).

⁵⁹ Response, para. 17.

⁶⁰ Ibid.; see column 6 of the Annex to the Motion.

column only as guidance provided by the Prosecution as to the relevance of each Proposed Fact for the case. The Chamber instructed the Prosecution to include the column for this very purpose.⁶¹

36. The Chamber assessed each Proposed Fact on a case by case basis and found that all Proposed Facts which satisfy the other requirements for taking judicial notice are relevant to the matters at issue in the current proceedings.

D. The Proposed Fact Must not Contain any Findings or Characterizations that are of an Essentially Legal Nature

37. A number of Proposed Facts contain terms which have both a legal and a factual meaning, such as the words “rape” or “murder”. In determining whether a term used in a Proposed Fact is of a legal or a factual nature, the Chamber examines the term in the context in which it is placed in the particular judgement from which it originates.

38. The Prosecution submits that the Proposed Facts fulfil this criterion.⁶² The Defence submits that certain Proposed Facts do not satisfy this requirement.⁶³ The Chamber finds that Proposed Facts Nos 437, 539, 549, 681, 937, and 1145 contain findings or characterizations of an essentially legal nature. For example, Proposed Fact No. 681 refers to “the widespread and systematic attack against the non-Serb civilian population in the Foča municipality”. The Chamber will, therefore, not take judicial notice of these Proposed Facts.

39. The Chamber further finds that Proposed Facts Nos 50, 682, 711, 884, 1026, and 1180 also contain findings or characterizations of a legal nature. However, instead of rejecting these Proposed Facts in their entirety, the Chamber will delete certain parts of the Proposed Facts and reformulate them so that they contain only factual findings (see Annex).

E. The Proposed Fact Must not be Based on an Agreement Between the Parties to the Original Proceedings

40. The Prosecution submits that the Proposed Facts fulfil this criterion.⁶⁴ The Defence challenges a number of Proposed Facts on this criterion, submitting that when the original judgement contains no source reference, there is a risk that the finding is based on an agreed fact.⁶⁵ The Chamber notes that in the majority of the relevant judgements, the Trial Chamber clearly indicates if its findings are made on facts not in dispute between the parties to the original

⁶¹ T. 102-103.

⁶² Motion, para. 6.

⁶³ Response, para. 16 (code C10).

⁶⁴ Motion, para. 6.

⁶⁵ Response, paras 16 (code C4, C7, C9), 19.

proceedings. Therefore, if no explicit indication can be found in the original trial judgement, the Chamber considers that the Trial Chambers' findings are not based on an agreement between the parties. This includes the *Tadić* Trial Judgement, in which the Trial Chamber clearly indicates when a finding is based on an agreed fact, and the *Stakić* Trial Judgement, in which none of the findings by the Trial Chamber are based on agreed facts.⁶⁶

41. In the *Krajišnik* Trial Judgement, the number of agreed facts was very limited and confined to specific paragraphs of the Indictment. The lack of reference to supporting evidence would, therefore, not automatically lead the Chamber to conclude that the Proposed Fact is based on matters agreed to by the parties to the original proceedings.⁶⁷ The *Krnolejac* Trial Judgement clearly indicates that Proposed Fact No. 523 is based on matters agreed to by the parties in the relevant proceedings and the Chamber, therefore, finds that this Proposed Fact does not satisfy the current requirement.

42. As to the *Kvočka* Trial Judgement, all the agreed facts in this case are contained in a Prosecution Motion of 11 January 1999.⁶⁸ Agreed Fact No. 452 listed in this Motion is similar to Proposed Fact No. 1061. Considering that there are no source citations in the paragraph from which the Proposed Fact originates, it is impossible for the Chamber to ascertain whether it is based on agreed facts. Consequently, the Chamber will not take judicial notice of Proposed Fact No. 1061.

43. When a Proposed Fact is based on a citation containing both an agreement between the parties and other evidence, the Chamber will not further consider the Proposed Fact or will deny the portion that appears to be based on an agreement between the parties. This is the case with Proposed Fact 133, which will not be further considered. Proposed Fact No. 621 is partially based on agreed facts, and will be reformulated by the Chamber (see Annex), as it can be determined on the basis of the text of the original judgement, which portion of the Proposed Fact is based on matters not in dispute between the parties to the original proceedings. The Defence argues that Proposed Fact No. 311 is based on a plea agreement and thus is improper for judicial notice. However, the source of the Proposed Fact is an exhibit in the original case and witness testimony, both unrelated to any plea agreement. The Chamber will, therefore, take judicial notice of this Proposed Fact.

⁶⁶ See *Prosecutor v. Duško Tadić*, Case No. IT-94-24-T, Judgement, 7 May 1997, para. 190; see *Prosecutor v. Milomir Stakić*, IT-97-24-T, Judgement, 31 July 2003, para. 965.

⁶⁷ See *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-T, Judgement, 27 September 2006, para. 1185.

⁶⁸ See *Prosecutor v. Miroslav Kvočka et al*, Case No. IT-98-30/1-T, Judgement, 2 November 2001, para. 8.

F. The Proposed Fact Must not have been Contested on Appeal, or, if it has, the Fact has been Settled on Appeal

44. The Prosecution submits that the Proposed Facts are not findings challenged on appeal.⁶⁹ The Defence does not challenge any Proposed Facts from Annex A on this criterion. The Chamber finds that all Proposed Facts satisfy this criterion.

G. The Proposed Fact Must not Relate to Acts, Conduct, or Mental State of the Accused

45. The Prosecution submits that some Proposed Facts relate to the criminal conduct of others for which the Prosecution alleges the Accused is criminally responsible, but do not touch upon acts, conduct, or *mens rea* of the Accused.⁷⁰ The Defence challenges a number of Proposed Facts under this criterion, submitting that they “relate to alleged acts or convictions of alleged subordinates of the Accused, that they implicate the acts or conduct of the Accused, bear upon the responsibility of the Accused, or relate to the objective and members of the joint criminal enterprise”.⁷¹ Many Proposed Facts are challenged on the basis that they refer to a time period “before the Accused was appointed in VRS” and could thus imply his responsibility for actions of his predecessors.⁷² The Chamber considers that these Proposed Facts do not refer to the acts, conduct, or mental state of the Accused.

46. Based on these considerations and in accordance with the applicable law, the Chamber is satisfied that the Proposed Facts, with the exception of Proposed Facts Nos 168-169, 247, and 802, fulfil this criterion. As formulated in the original judgement, Proposed Facts Nos 168-169, and 247 refer, among others, to the Accused and Proposed Fact No. 802 directly refers to orders issued by the Accused. These Proposed Facts will, therefore, not be further considered.

H. The Proposed Fact as Formulated by the Moving Party Must not Differ in any Substantial Way from the Facts Actually Adjudicated in the Original Judgement

47. The Prosecution submits that the Proposed Facts do not differ in a substantial way from the facts actually adjudicated in the original judgements.⁷³ The Defence submits that many Proposed Facts do not use the exact language of the original judgement or are taken out of their context and the Chamber should, therefore, not take judicial notice of them.⁷⁴ The Chamber carefully considered each Proposed Fact and decided whether the Proposed Facts differ in substance from

⁶⁹ Motion, para. 19.

⁷⁰ Motion, paras 8-9.

⁷¹ Response, para. 16 (code C3 and C6).

⁷² Response, para. 16 (code B1).

⁷³ Motion, paras 6-7.

⁷⁴ Response, para. 16 (code C5).

facts established in the original judgement, that is whether they are misleading or inconsistent with the facts actually adjudicated in the original judgement. In this respect, the Chamber notes that purely editorial or formatting modifications do not change the meaning and substance of the Proposed Facts.

48. Some Proposed Facts contain factual findings reflecting a broad situation, while their source citation is limited to a specific situation. The evidence in the citations in the original judgements is not determinative for the Chamber. The Chamber reviews and takes judicial notice of factual findings made by the relevant Trial Chambers and not of the evidence contained in their respective source citations.

49. Based on these considerations, the Chamber considers that Proposed Facts Nos 537 and 600 are misleading and the Chamber is unable to reformulate them to satisfy the current requirement. For example, Proposed Fact No. 600 contains more details than the original judgement. These Proposed Facts substantially differ from the facts actually adjudicated in the original judgement and will, therefore, not be further considered.

50. The Chamber further considers that Proposed Facts Nos 9-11, 42, 190, 214, 260, 302-303, 309, 333, 386, 421, 423, 429, 482-483, 626, 672, 738, 773, 806, 811, 915, 924, 1013, 1106, 1128, 1134, and 1245 are misleading in their present form or do not accurately reflect the text of the original judgement. Therefore, the Chamber, reformulated the above-mentioned Proposed Facts (see Annex). For example, in its present form, Proposed Fact No. 10 states:

In both ballots the SDA party gained a narrow margin over the SDS.

The fact, as proposed, would indicate that the SDA won over SDS on the Republican level and in all municipalities, whereas the original judgement only refers to the Republican level and the municipality of Prijedor. The Chamber, therefore, reformulated the Proposed Fact in the following way:

In both ballots, for the municipality of Prijedor and for the Republican Assembly, the SDA party gained a narrow margin over the SDS.

V. DISPOSITION

51. Based on the reasoning set forth above and pursuant to Rules 54 and 94 of the Rules, the Chamber:

GRANTS the Motion in part and takes judicial notice of the following Proposed Facts:

1) 1-3, 5-8, 12-18, 20-24, 26-29, 31-33, 35, 38-41, 43-49, 51-58, 60, 64-66, 68-69, 71-79, 81-83, 86-87, 97-99, 102, 105-106, 109-110, 112-113, 115-117, 119-120, 122-123, 125-128, 130-131, 135, 137, 139, 141-143, 145-150, 152-153, 155-157, 159-160, 162-163, 165-167, 171, 174-183, 185-186, 188, 191-192, 194-195, 197-200, 202-210, 212-213, 215-221, 223-224, 226, 230-231, 234-246, 248-253, 255-256, 258-259, 261, 263, 267, 270-274, 281-287, 289-291, 293, 295, 297-298, 300, 304, 306, 310-315, 317-318, 320-321, 323, 325-331, 334-343, 345-346, 348-349, 351-354, 356-359, 362, 364-366, 368-374, 376, 378-380, 383-385, 387, 389-390, 392-394, 398-406, 408, 411-420, 422, 427-428, 430-431, 433-436, 439-440, 443, 445, 448-451, 453-464, 468-473, 475, 478-481, 485-489, 491-492, 494-495, 498, 500-505, 507-508, 510-513, 515-517, 519-520, 524, 528-530, 532-535, 538, 541-546, 548, 550-556, 560-563, 565-573, 575-577, 579, 581, 591, 598-599, 606-607, 609, 614, 622-625, 627-632, 634-637, 639-643, 645, 647, 649-650, 652, 658-662, 664-671, 673-677, 679-680, 683-698, 700, 702-704, 706-710, 713-717, 719, 722-723, 725-728, 731-735, 737, 739, 741-745, 747-755, 757-758, 763-772, 774, 777-778, 782, 785-788, 791, 793-801, 803-805, 807-810, 813-826, 828-831, 833, 835-845, 847-855, 857-859, 862-883, 885, 887-900, 902, 904-910, 912-914, 916, 918-923, 927, 931, 935, 938-944, 948-950, 952-959, 961-962, 964-967, 969-974, 976-981, 984, 986-998, 1000-1006, 1008-1009, 1011-1012, 1015-1019, 1021-1022, 1024-1025, 1027-1029, 1031-1032, 1034-1036, 1038, 1040-1041, 1043, 1045, 1047, 1049-1060, 1062-1063, 1065-1070, 1072, 1075-1076, 1078, 1080-1082, 1084, 1090, 1092, 1094-1095, 1098, 1100-1103, 1107-1111, 1113-1114, 1116-1122, 1124-1127, 1129, 1131-1133, 1136, 1138-1141, 1143-1144, 1147, 1149-1150, 1152-1153, 1158-1159, 1161-1169, 1177-1178, 1181, 1183-1187, 1190-1199, 1202, 1204-1205, 1207-1209, 1211-1212, 1214-1219, 1221, 1223-1228, 1231, 1235-1243, 1247-1249, 1251-1252, 1255, 1257-1259, 1261-1262, and 1264-1268 pursuant to Rule 94 (B);

2) 9-11, 19, 25, 30, 34, 36-37, 42, 50, 61-62, 67, 70, 80, 85, 95-96, 100-101, 103-104, 108, 111, 114, 118, 121, 124, 132, 134, 136, 138, 140, 144, 151, 154, 158, 161, 164, 170, 172, 184, 187, 189-190, 193, 196, 201, 211, 214, 222, 225, 227-228, 232-233, 257, 260, 266, 269, 288, 292, 294, 296, 299, 301-303, 308-309, 316, 324, 332-333, 344, 347, 350, 355, 360-361, 363, 367, 375, 377, 386, 388, 391, 397, 407, 409, 421, 423-426, 429, 432, 438, 441, 446-447, 465, 467, 474, 476, 482-

484, 493, 499, 506, 514, 521, 525-527, 531, 540, 547, 557-558, 564, 574, 578, 580, 585, 590, 592, 604-605, 608, 610-613, 621, 626, 633, 638, 646, 651, 654, 657, 672, 678, 682, 699, 701, 705, 711, 720-721, 724, 736, 738, 740, 746, 756, 759-762, 773, 775-776, 781, 789-790, 792, 806, 811-812, 827, 834, 846, 856, 860, 884, 886, 901, 903, 911, 915, 917, 924-925, 929-930, 933-934, 936, 946-947, 951, 960, 963, 968, 975, 982-983, 999, 1007, 1010, 1013-1014, 1020, 1023, 1026, 1033, 1037, 1039, 1042, 1044, 1048, 1064, 1071, 1073-1074, 1079, 1083, 1085-1086, 1089, 1091, 1093, 1096-1097, 1099, 1104-1106, 1112, 1115, 1123, 1128, 1130, 1134-1135, 1137, 1142, 1146, 1148, 1151, 1154-1155, 1157, 1160, 1171, 1179-1180, 1188, 1201, 1203, 1206, 1210, 1213, 1220, 1222, 1229-1230, 1232-1234, 1244-1246, 1250, 1253-1254, 1256, 1260, 1263, and 1269 pursuant to Rule 94 (B) and subject to the changes indicated in the present decision (see also Annex);

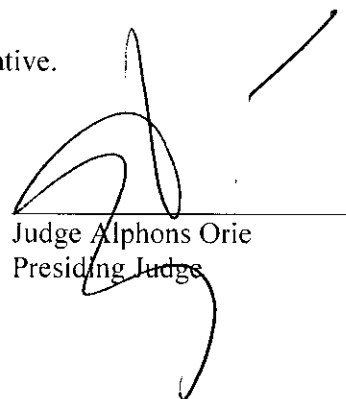
3) 496-497 and 522 pursuant to Rule 94 (A);

INSTRUCTS the Prosecution to file an amendment to its Witness List in relation to time estimates for witnesses whose evidence is to be adjusted and to indicate which witnesses will be withdrawn in light of the Chamber taking judicial notice of the Proposed Facts listed above within two weeks of the filing of this decision;

DEFERS its decisions on Proposed Facts contained in Annexes B and C, and on the Rebuttal Evidence Procedure; and

DISMISSES the remainder of the Motion.

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



Judge Alphons Orié
Presiding Judge

Dated this Twenty-eighth of February 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

**ANNEX TO DECISION ON PROSECUTION MOTION FOR
JUDICIAL NOTICE OF ADJUDICATED FACTS IN ANNEX A**

Table of the Adjudicated Facts Modified by the Chamber

The Proposed Fact Number	The Modified Adjudicated Fact
I. HISTORICAL AND POLITICAL BACKGROUND	
B. Political Developments in Bosnia and Herzegovina from 1990 to early 1991	
9	The most prominent newly-formed 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").
10	In both ballots, for the municipality of Prijedor and for the Republican Assembly, the SDA party gained a narrow margin over the SDS.
11	The outcome of the elections in these entities 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.
19	The SDA, SDS, and HDZ agreed that, at the most senior level, the Prime Minister would be from the HDZ, the President of the Assembly from the SDS, and the President of the Presidency from the SDA (the persons appointed were Jure Pelivan, Momčilo Krajišnik, and Alija Izetbegović, respectively).
25	Chief positions in three CSBs were assigned to the SDS.
30	The assembly could determine the organization and functioning of the executive board and other local government authorities.
34	In the Bosnia-Herzegovina 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.
36	The conflict between Serbia and Croatia, following the declaration of independence by Croatia in June 1991, exacerbated the tension between Bosnia and Herzegovina's three ethnic groups.
37	In early 1991, the SDS embarked on a programme of regionalization. The SDS established Bosnian Serb controlled areas by linking Bosnian Serb populated municipalities together and by establishing parallel government bodies, with a view to removing that territory from the effective control of the authorities of the Socialist Republic of Bosnia and Herzegovina ("SRBH").
C. The Creation of Serb Autonomous Regions and Districts in Bosnia and Herzegovina	
42	In September 1991, several Serb Autonomous Regions in Bosnia and Herzegovina were proclaimed, including the Serb Autonomous Region of Krajina.

50	In September 1991, as part of a wider JNA operation in Croatia, the JNA 5th Corps (based in Bosnia-Herzegovina during peacetime) was mobilized and deployed in Croatia.
61	The order was sent by telex on 29 October 1991 to presidents of all municipalities in the ARK by Radoslav Brđanin.
62	The ARK, in particular, distinguished itself for independent action since its inception, when its authorities started taking over television and radio installations, and broadcasting "Serb" programs that intimidated persons of other nationalities.
67	Each side opposed the other's option.
D. The Creation of the Bosnian-Serb Assembly	
70	In the course of the debate on whether to vote on such a declaration of sovereignty, during the night of 14 and 15 October 1991 when the SDA and the HDZ decided to proceed with the vote, Momčilo Krajišnik, as President of the Assembly, adjourned the session to the next morning.
80	If the majority in one municipality had voted to remain within Yugoslavia, the whole of that municipality would remain. Municipalities where the majority of people had not participated in the plebiscite, the SDS proposed to look at single communes or settlements: if local communities had voted to remain, then only that community would be considered part of Yugoslavia, while the rest of the territory of the municipality would be allowed to join an independent Bosnia-Herzegovina.
85	At the third session of the Bosnian-Serb Assembly, held on 11 December 1991, a recommendation was passed that separate (Serb) municipal assemblies should be formed in areas where Serbs were in the minority. Nonetheless, the Bosnian-Serb Assembly emphasized that the deputies should continue to work in their (Bosnia-Herzegovina) municipal assemblies and organs "unless such work is inconsistent with the need for preserving the equality and interests of the Serbian people."
95	The document entitled "Instructions for the Organization and Activity of the Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances", dated "Sarajevo, 19 December 1991" reflected SDS policy and they found their way to local SDS leaders between 20 December 1991 and the early months of 1992.
96	The Instructions were received and implemented, fully or partially, in several municipalities in Bosnia-Herzegovina. The SDS in several municipalities relied on the Instructions for actions, in particular when proclaiming the municipality as being Serb.
E. The Proclamation of the Bosnian-Serb Republic	
100	The deputies proceeded to establish a Ministerial Council, which was to act under the Bosnian-Serb Assembly.
101	On 9 January 1992, the Bosnian-Serb Assembly unanimously proclaimed "The Republic of the Serbian People of Bosnia and Herzegovina" to be a federal unit of the

	Yugoslav federal state. The Assembly added that the "territorial delimitation with political communities of other peoples of Bosnia-Herzegovina, as well as the solution of other mutual rights and obligations, shall be performed in a peaceful manner and with mutual agreement."
103	Nevertheless, the SDS backed the arming of the Serb population during this period.
104	Vitomir Žepinić and Mićo Stanišić, high-level officials in the Bosnian-Herzegovina MUP, were named to the Ministerial Council, the former as Minister of Internal Affairs and the latter as Minister without portfolio.
108	On the one hand, the SDS leadership participated in negotiations with the other parties to find acceptable arrangements for the three nationalities in Bosnia-Herzegovina. On the other hand, they actively prepared for unilateral separation of what they considered Serb territories from Bosnia-Herzegovina in case the negotiations failed to achieve results.
111	On 11 January 1992, Radovan Karadžić and Momčilo Krajišnik attended the first meeting of the Bosnian-Serb Ministerial Council, where they participated in a discussion on "execution of tasks resulting from the Declaration ... of the Republic of the Serbian People of Bosnia and Herzegovina" which had been adopted two days earlier.
114	At this meeting, SAO presidents were made ex officio members of the Ministerial Council.
118	At the 17 January 1992 session of the Ministerial Council, it was decided that the Commission on the Constitution and the Ministerial Council would be tasked with preparation, by 15 February 1992, of draft legislation to enable the Bosnian-Serb Republic to start functioning.
121	On 17 February 1992, the Prijedor SDS municipal board noted that "it is necessary to activate the second stage of the position stated by the SDS BH Main Board. It is absolutely necessary to cover the territory and population (Serbs) by activists and representatives. Each should secure his own area."
124	By 23 February 1992, representatives of the SDS (among them Karadžić and Krajišnik) and of the other two national groups had agreed on a statement of principles for a new constitutional arrangement for Bosnia-Herzegovina.
132	It stated: "Citizens of the Republic have equal rights in their freedom, rights and obligations. They are equal before the law and enjoy the same legal protection regardless of race, sex, language, ethnic origin, social background, birth, education, financial situation, political and other beliefs, social position or other personal attributes".
F. The Establishment of the Bosnian-Serb Republic	
134	In early 1992, the SDA exercised 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.

136	In early April 1994, armed clashes among ethnic groups occurred throughout Bosnia-Herzegovina: checkpoints and barricades were erected in and around Sarajevo by people associated with the three national parties.
138	On 11 March 1992 the Bosnian-Serb Assembly decided to continue international negotiations on a confederative arrangement for the three national groups.
140	On 18 March 1992, the negotiators reported to the Bosnian-Serb Assembly.
144	On 24 March 1992, the Bosnian-Serb Assembly proceeded to instruct the new Government to prepare, by 27 March, "an operational plan for assuming power, that is, for establishing power in the Serbian Republic of Bosnia and Herzegovina, and in particular in the field of internal affairs, national defence and money transactions ... in all municipalities where we already have Serbian authorities, and in those municipalities where we have only recently established Serbian municipalities."
G. The Statutory Framework of the Bosnian-Serb Assembly	
151	The Constitution of the Bosnian-Serb Republic of 28 February 1992 vested the Bosnian-Serb Assembly with constitutional and legislative authority.
154	Chaired by a President (Speaker) and two vice-presidents, the Bosnian-Serb Assembly could adopt laws and determine the budget and territorial organization of the Republic.
158	Regardless of who initiated the legislation, the body officially proposing it would always be the Government.
161	The Bosnian-Serb Assembly debated matters related to the work of the Supreme Court, the Public Prosecutor, and the constitutionality of the laws of the Republic upon advice given to it by the Constitutional Court.
164	The Assembly President had the power to propose the agenda of Assembly sessions and to convene the Assembly at his initiative, or upon demand of the Bosnian-Serb Government or one-third of the deputies of the Assembly.
H. The Operations of the Bosnian-Serb Assembly	
170	Other than the SDS party, the Reformist Party, the former Communist League, and the Serb Renewal Movement were represented in the Bosnian-Serb Assembly.
172	The Activities of the Bosnian-Serb Assembly were supported financially by the SDS.
J. The Establishment of the Bosnian-Serb Government	
184	Aleksandar Buha, Minister of Foreign Affairs in the Bosnian-Serb Government, was in charge of contacts with international representatives, including those from the United States and OSCE.
187	The Bosnian-Serb Government sat for the first time as an independent executive

	body, distinct from the SNB, at its 13th session on 23 May 1992.
189	The Kikinda Hotel in Pale functioned as the seat of the Bosnian-Serb institutions (Assembly, Presidency, Government) until June 1992.
190	In April 1992, Nikola Koljević proposed to JNA colonel Bogdan Subotić that he set up a Bosnian-Serb Ministry of Defence. Branko Đerić and the Assembly were aware of this.
K. The Operations of the Bosnian-Serb Government	
193	Nedelko Lakić, secretary of the Government from 27 April 1992 onwards, would see Prime Minister Branko Đerić about twice a week and would liaise with him and other Ministers to organize the sessions of the Bosnian-Serb Government.
196	The Government was concerned with the issue of deserted houses and apartments in the municipalities, as well as the issue of Muslim-owned property in general.
201	In October 1992, Branko Đerić resigned from his post as Prime Minister.
M. The Bosnian-Serb Exchange Commission	
211	On 8 May 1992, the Bosnian-Serb Government established a Central Commission for the Exchange of Prisoners of War and Arrested Persons.
214	As part of that role, the Commission was to differentiate between civilians and prisoners of war, with a view to releasing the former and preventing crisis staffs or paramilitary formations from committing crimes against the latter. In practice, exchanges of prisoners were left to the authority of the individual exchange commissioners in each region.
N. The Functioning and Operations of the Bosnian-Serb Presidency	
222	Biljana Plavšić and Nikola Koljević, as elected Serb members of the Bosnia-Herzegovina Presidency, became members of the collective presidency.
225	The President of the Bosnian-Serb Republic was bestowed with the authority to appoint, promote, and discharge military officers, military judges, and military prosecutors.
227	Occasionally, people from municipal authorities also attended sessions of the Presidency, as did lawyers, experts, and military officials.
228	While legislative power normally rested with the Assembly, in the state of imminent threat of war, declared on 15 April 1992 during a joint session of the SNB and the Government, it was the President of the Republic who wielded legislative power. In the period between April and August 1992, the Presidency often invoked a provision of the Constitution allowing it to pass laws.
232	The Bosnian-Serb Presidency operated in fact with five members from its inception on 12 May 1992.

233	The five-member Presidency acted as the commander-in-chief of the Bosnian-Serb Republic until 17 December 1992 when the Bosnian-Serb Assembly elected Karadžić as President of the Bosnian-Serb Republic, with Koljević and Plavšić as vice-presidents.
II. THE JNA, VRS, SERBIAN MUP AND BOSNIAN SERB MUP	
A. General Facts Relating to the JNA	
257	Around 1968, 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.
260	The JNA was a national army, equipped with all the conventional weapons and equipment that modern European armies possess.
B. JNA involvement in BiH	
266	In the second half of 1991, TO units in predominantly Muslim and Croat areas of Bosnia and Herzegovina were largely disbanded by the JNA.
269	In early 1992, arming and mobilization of the population in cooperation with the JNA increased.
288	Prior to May 1992, the JNA had played a role in the training and equipping of Bosnian Serb and Croatian Serb paramilitary forces. In 1991 and into 1992, these forces cooperated with and acted under the command and within the framework of the JNA. These forces included Arkan's Serbian Volunteer Guard and various forces styling themselves as Chetniks, a name which is of significance from the fighting in the Second World War against the German, Italian and Croat forces in Yugoslavia. Some were even given training in the compounds of the 5th JNA Corps in Banja Luka. The reliance placed on such forces by the JNA reflected a general manpower shortage.
292	On 28 April 1992, Special Police ("PJM") Brigades and a PJM Administration were established within the RSK Ministry of Defence by the SFRY Federal Secretariat of National Defence of the JNA.
294	The Posavina area was of strategic importance as it linked the Croatian and Bosnian Krajina regions with Serbia.
296	As part of the Koridor 92 Operation, many houses were torched and many civilians, including Croats, were killed in the Posavina area.
299	Milan Martić and Borislav Đukić commanded an RSK police detachment during the second phase of operation <i>Koridor 92</i> .

C. The VRS	
301	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.
302	The Army of the Bosnian Serb Republic (VRS) was a product of the dissolution of the old JNA and the withdrawal of its non-Bosnian elements into Serbia.
303	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) and was to be known as the VJ.
D. Paramilitary Formations in Bosnia and Herzegovina	
308	The Serbian Defence Forces (SOS) paramilitary group under Nenad Stevandić, a member of the ARK crisis staff, was operative in Banja Luka in spring and summer 1992. It included convicted criminals. Members of the SOS acted as escorts for SDS leaders such as Radoslav Brđanin.
309	The SOS paramilitary groups were also active in Sanski Most, where the local crisis staff decided to transform them into a TO unit on 22 April 1992. Although the ARK assembly formally placed the SOS under the control of the Banja Luka CSB on or about 29 April 1992, the group retained a certain degree of autonomy.
316	The VRS Main Staff Intelligence report of 28 July 1992, while aimed at bringing law back to areas now under Bosnian-Serb control, also shows that the VRS was more concerned with looting and the breakdown of order than with the widespread crimes committed by the paramilitaries.
E. The Statutory Framework of the Bosnian-Serb MUP	
324	In accordance with the new Law on Internal Affairs, the Bosnian-Serb MUP was to handle security affairs on behalf of the Government.
332	Persons of unknown identity suspected of serious criminal offences could be detained indefinitely under the 1992 law.
333	In accordance with the new Law on Internal Affairs, the MUP's head office was to coordinate the work of CSBs, and, in circumstances that jeopardized the security of the Bosnian-Serb Republic, to activate reserve police forces and supply police units with arms.
F. The Establishment of the Bosnian-Serb MUP	
344	From 31 March 1992, all CSBs and SJBs of Bosnia-Herzegovina throughout the territory of the Bosnian-Serb Republic were to stop functioning.

347	On 30 March 1992, the Bosnian-Serb MUP was set up in SAO Romanija.
350	The Banja Luka 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.
G. The Composition and Logistics of the Bosnian-Serb MUP	
355	In April 1992 the Bosnian-Serb MUP started establishing special police units armed with weaponry up to and including 120 mm mortars. The commander of the first Bosnian-Serb MUP special unit was Milenko Karišik.
H. Control Over and Operations of Bosnian-Serb MUP Forces	
360	Cooperative links between the military and civilian authorities were also established at the regional level in the ARK. These links were concentrated in the ARK Crisis Staff, of which General Major Momir Talić, Lieutenant Colonel Milorad Sajić, and Major Zoran Jokić were all members. At one point or another, all three attended ARK Crisis Staff meetings. In addition, on 13 May 1992, the ARK Crisis Staff authorised two of its members, Vojo Kuprešanin and Predrag Radić, "to deal with all military and political issues in the territory of the ARK."
361	Pursuant to Subotić's order of 16 April 1992, the measures decreed by the ARK on 4 May included general mobilization, introduction of a curfew, and a deadline of 11 May for the surrender of illegal weapons.
363	The MUP cooperated closely with the VRS. On 15 May 1992, Mićo Stanišić ordered that all employees of the MUP organize into "war units".
367	Pursuant to the guidelines of Karadžić of July 1992, the MUP Minister was to pass an act adjusting the internal structure of the Ministry to wartime conditions, and to issue instructions on how members of the MUP were to perform tasks and duties.
J. The Functions of the Bosnian-Serb Crisis Staffs	
375	Once the SDS crisis staffs became municipal organs they functioned as the municipal authority when municipal assemblies could not operate due to the state of emergency, replacing both the municipal assembly and the executive committee.
377	Throughout the period of their existence, the crisis staffs functioned as the coordinating body between municipal authorities, the SDS, and the central republican level (both state and SDS) on the one side, and the military, the police, and other forces on the ground in the municipalities, on the other.
386	The role of members of the SDS Main Board and Bosnian-Serb Assembly deputies was to transfer authority from the central to the municipal level, and also to convey information between those two levels.

K. Bosnian-Serb War Presidencies and War Commissions	
388	However, already the crisis staffs acted as executive organs.
391	This representative was the commissioner provided for in the Bosnian-Serb Government instructions of May 1992.
397	On 10 June 1992, the Bosnian-Serb Presidency issued an official decision establishing war commissions to further tighten the central grip over the municipalities.
L. The Relationship Between Crisis Staffs, War Presidencies, War Commissions and the Armed Forces	
407	In December 1991, the Zvornik SDS municipal board elected a crisis staff for the municipality, consisting of leading SDS persons from Zvornik, as well as the municipal command staff of the JNA.
409	Crisis staffs provided various forms of general assistance to the TO, calling for mobilization within their municipalities and providing financial assistance.
III. THE ARK AND MUNICIPALITIES	
A. The ARK	
421	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. By 17 July 1992, the ARK Crisis Staff had stopped exercising its powers and functions in practice.
423	At least between 24 May and 30 August 1992, the head of the CSB of Banja Luka was Stojan Župljanin.
424	The ARK Crisis Staff initially issued orders to dismiss non-Serbs from holding key posts in public enterprises and institutions.
425	However, in a decision adopted on 22 June 1992 and directed to all the municipal Crisis Staffs, the ARK Crisis Staff held that all posts important for the functioning of the economy may only be held by personnel of Serbian ethnicity. In addition, Bosnian Serb personnel were expected to have "confirmed their Serbian nationality" in the plebiscite and expressed their loyalty to the SDS.
426	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 and were replaced by Bosnian Serb personnel, thus guaranteeing an overall Bosnian Serb control over public and private enterprises and institutions throughout the ARK.

429	The military and civilian police were responsible for the implementation of the decision on disarmament of 18 May 1992. In accordance with this decision, 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.
432	The disarmament of the non-Serbs guaranteed Bosnian Serb control over the population of villages, towns and cities throughout the ARK.
438	Moreover, in many instances the Bosnian Serb authorities made the non-Serbs 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, some areas in northern Bosnia had been emptied of Bosnian Muslims and Bosnian Croats and were re-populated by resettling Serbian refugees coming from Croatia.
441	Serbian paramilitary groups 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.
446	As the events in the Bosnian Krajina developed, from the spring of 1992 onwards, convoys of buses and trains were organized 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.
447	Bosnian Muslims and Bosnian Croats were subjected to movement restrictions; 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.
B. The Municipality of Banja Luka	
2. Manjača Camp – Schedule C.1.2	
465	The food in the camp consisted of a thin broth and a slice of bread twice a day. Many detainees lost weight and became very thin. Some detainees were so hungry they resorted to eating grass.
467	The water at the Manjača camp originated from a lake. Prevalent intestinal and stomach problems occurred amongst the detainees.
474	Božidar Popović, commander of the Manjača camp, was aware of the beatings being inflicted upon the detainees at Manjača camp.
476	At a meeting on 22 June 1992, General Talić was informed by Adil Medić that civilians were detained in inadequate conditions at Manjača camp and were being ill-treated.

3. Killings related to Manjača Camp – Schedule B.1	
<i>a) Killings related to transportation from Hasan Kikić School - Schedule B.1.1</i>	
482	Upon arrival of this group of prisoners at Manjača camp, at least six of them were beaten and subsequently killed by policemen from Sanski Most.
<i>b) Killings related to transportation from Betonirka Detention Facility - Schedule B.1.2</i>	
483	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.
484	Drago Došenović ('Maca') and a camp warden called 'Špaga' organised the transport of 7 July 1992.
5. Removal of non-Serbs	
493	Detainees from Manjača camp were also transported to Karlovac both prior to and following the closure of the camp in December 1992.
C. The Municipality of Bijeljina	
2. Takeover of the municipality	
499	Paramilitary groups, or so-called "volunteer units", from Serbia arrived in Bijeljina municipality, and started intimidating and terrorizing local Muslims, as well as Serbs they considered "disloyal". Many Muslims were killed. As a result, many of the remaining Muslims would eventually leave the territory.
4. Batković camp - Schedule C.2.1	
506	The detainees held at the Batković camp originated from a large number of different municipalities, including Brčko, Ključ, Lopare, Rogatica, Sokolac, Ugljevik, Vlasenica, and Zvornik. Many had been transferred from other detention facilities, particularly Sušica camp in Vlasenica and Manjača camp in Banja Luka.
514	Conditions at the Batković improved after the ICRC began visiting the facility in late August or September 1992.
7. Removal of non-Serbs	
521	The plan of the Bijeljina SDS was to kill a Muslim family on each side of town to create an atmosphere of fear. This plan was implemented in September 1992 by Duško Malović's special police unit, at the instigation of Drago Vuković, an

	employee of the local MUP and a member of the Bijeljina crisis staff. At the same time, the Serb municipal assembly passed a decision that Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work detail. Prominent Muslims were forced to perform menial tasks, and those who refused were taken to Batković camp or expelled from the municipality. During the SDS operation, a large number of Muslims fled Bijeljina.
D. The Municipality of Foča	
1. Background and Takeover of Foča Town	
525	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.
526	After the multi-party elections held in Foča in 1990, the inhabitants of Foča began to split along ethnic lines and inter-ethnic socialising ceased.
527	In the months before the outbreak of the conflict in Foča in April 1992, 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.
531	The Serb Crisis Staff operated from a location in the Serb neighbourhood of Čerežluk, with Miroslav Stanić, President of the SDS-Foča, as Chairman.
540	On 8 April 1992, roadblocks were set up throughout the town of Foča.
547	Many of the Muslims in hiding gave up their personal weapons. The attack continued for six or seven days, in which shelling took place and damage occurred.
3. Killings related to Mješaja/Trošanj - Schedule A.2.1	
557	On 3 July 1992, the Muslim village of Mješaja/Trošanj, situated between Foča and Tjienstište, was attacked by local Serb soldiers, including Gojko Janković and Radomir Kovač.
558	At the time of the attack, some Muslim villagers in Trošanj continued living in their houses but would sleep in the woods at night and only return to their homes during the daytime.
4. Measures taken against non-Serbs	
564	Immediately after the Serb take-over of the Foča municipality, 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.
574	In April and May 1992, Muslim households in Foča municipality were searched by the Serb military police or soldiers for weapons, money and other items.

578	Following the Serb take-over of Foča town, non-Serb civilians were beaten upon arrest and during transportation to detention facilities from neighbourhoods in town or from villages in the municipality.
5. Karaman's House in Miljevina, Worker's Huts at Buk Bijela, Partizan Hall and Foča High School – Schedule C.6.2-6.5	
580	In early July 1992, some Muslim women from the village of Mješaja/Trošanj were taken by Serb soldiers to a detention centre at the construction site Buk Bijela, where local Serb soldier, Gojko Janković, was in charge.
585	In June 1992, Mitar Sipčić, from the Serb crisis staff in Foča, was in charge of the guards at the Foča High School (“Srednja Škola”).
590	There were Muslim civilians held at Foča high school and Partizan Hall without medical care.
592	The Partizan hall was guarded by police officers.
604	Female 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 an individual known as “Gaga”, on 2 August 1992, driven by them to a house in the Aladža area and, from there, to a house in Trnovače.
605	Upon arrival at the house in the Aladža area, 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 told where to sleep. FWS-191 was assigned to Kunarac. He ordered her to undress and tried to rape her while his bayonet was placed on the table.
608	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 of the other women were repeatedly raped by other soldiers on the same night.
610	On 3 August 1992, Kunarac went back from Trnovače to the house in Ulica Osmana Đikića no 16 where he took four women, and he drove them to Miljevina. There, the women were handed over to the men of a person referred to in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) as DP3 and brought to “Karaman’s house”. While kept in this house, the girls were constantly raped.
611	Dragoljub Kunarac took one Muslim woman, known as witness D.B. in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T), out of Partizan and drove her to Ulica Osmana Đikića no 16 together with the man known as Gaga. She was raped there first by Gaga and two other men and then forced to have sexual intercourse with Dragoljub 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.
612	A Muslim woman, known as witness FWS-75 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T), was gang-raped in the house at Ulica Osmana Đikića no 16, while the witness known as D.B. was being raped by three soldiers and Dragoljub

	Kunarac. FWS-75 was taken to a separate room by the man known as Gaga, who ordered her to have sex with a 16 year-old boy nicknamed Zuca.
613	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.
5. Karaman's House in Miljevina, Worker's Huts at Buk Bijela, Partizan Hall and Foča High School – Schedule C.6.2-6.5	
621	Sometime in either September or October 1992, in a room on the upper floor of “Karaman’s house”, Dragoljub Kunarac forced a witness known as FWS-87 in <i>Prosecutor v. Kunarac et al.</i> (IT-96-23-T & IT-96-23/1-T) to have sexual intercourse in the knowledge that she did not consent.
6. KP Dom Foča – Schedule C.6.1	
626	Muslim civilian men were detained at KP Dom for periods lasting from four months to more than two and a half years.
633	Non-Serb men from Foča were detained because of their ethnicity. The overwhelming majority of those detained were Muslim. No consideration was given to age, state of health or civilian status. The detainees ranged in age from 15 years to almost 80 years.
638	One important ramification of the lease agreement, signed by Krnojelac as warden and leasing a part of KP Dom to the military for its own use, was that it was the Military Command and, in particular, Commander Kovač and not the 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.
646	Solitary confinement cells designed to hold one person were packed with up to 18 people at a time.
651	In the harsh winter of 1992, heaters were deliberately not placed in the rooms in which the non-Serbs were held, windowpanes were left broken and clothes made from blankets to combat the cold were confiscated.
654	Non-Serb detainees were fed 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 food rations and hygienic supplies.
657	Medicine was in very short supply. A basic medical service was provided but those in need of urgent medical attention were left unattended or given insufficient treatment.

	At least one detainee died as a result of the lack of or late medical care.
672	Sometime between May and August 1992, Ramo Džendusić and Nail Hodžić were beaten by KP Dom guards Milenko Burilo, Dragomir Obrenović and other unidentified individuals on the ground floor of the administration building. Sometime in June or July 1992, the two men were called out of their room, and were subsequently beaten. The moans of the victims were heard by other detainees.
678	Two detainees at the KP Dom were taken by troops to Kalinovik in an army truck and were then separated from other twelve detainees and taken to the police station. There they were kept in the prison and required to drive vehicles for the detection of landmines.
682	The arrest and imprisonment of non-Serb civilian males was carried out on a massive scale. Hundreds of Muslim men, as well as a few other non-Serb civilians, were detained at the KP Dom without being charged with any crime.
7. Killings related to KP Dom Foča – Schedule B.5.1	
699	Sometime in June 1992, Haso Selimović was taken out and never returned.
701	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 eventually selected by KP Dom guards according to a list.
705	Many detainees taken out of the KP Dom for exchange simply disappeared.
711	The Muslim men had been detained at the time of their killing.
8. Property related Crimes	
720	After taking the village of Ustikolina on around 28 April 1992, Serb forces set fire to Muslim houses.
9. Destruction of Sacred Sites - Schedule D.5	
721	Several mosques in Foča town and municipality were burned or otherwise destroyed. The Aladža mosque dating from 1555 and under UNESCO protection was blown up, and the mosque in the Granovski Sokak neighbourhood was destroyed.
10. Removal of non-Serbs	
724	In May 1992, buses were organised to take civilians out of Foča, and, around 13 August 1992, the remaining Muslims in the town, mostly women and children, were taken away to Rožaje, Montenegro.

E. The Municipality of Kalinovik	
1. Takeover of the municipality	
736	In May 1992, Muslims in the municipality were required to carry a permit issued by the crisis staff in order to move around.
738	When Kalinovik municipality was declared a war zone by the Bosnian-Serb armed forces on 11 June 1992, the movement of the Muslim population was further restricted.
2. Kalinovik elementary school (Miladan Radojević school) – Schedule C.9.1	
740	On 25 June 1992, Muslim men were summoned by order of Nedžo Banjanin, secretary of the Kalinkov municipal secretariat for national defence, to the municipal assembly building to be given work assignments at the Zelengora wood-processing plant. Around 60 Muslim men responded, were arrested, and taken to the Kalinovik elementary school. Those men who had failed to respond to the summons were later arrested and also brought to the school.
5. Destruction of Sacred Sites – Schedule D.6	
746	At the end of July and beginning of August 1992 the mosques of Kalinovik, namely in Ulog, Hotolje, Kutina and Jeslica were destroyed.
F. The Municipality of Ključ	
756	The Ključ crisis staff issued an order to surrender “illegally acquired” weapons to the local authorities on 28 May 1992. While the order was not enforced against Serbs, non-Serbs were required to surrender all the weapons in their possession, including those that were legally owned.
759	All residents of the Ključ municipality, who were members of armed units, including White Eagles, were ordered to place themselves under the command of the Ključ defence operative force.
760	Following the crisis staff’s order of 28 May 1992 to surrender weapons, one Catholic church, 3,500 Muslim-owned houses, and at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosive set by Serb forces during 1992.
761	From 28 May to around 31 May 1992, following the crisis staff’s order of 28 May 1992 to surrender weapons, a VRS battalion, together with other units, carried out operations, entering or attacking a number of villages across the municipality, including Hadžići and the hamlet of Pudin Han.
762	The population of Hadžići was almost exclusively Muslim. Following the crisis staff’s order of 28 May 1992 to surrender weapons, houses were looted and destroyed, a village mosque in Pudin Han was levelled and village residents were

	forced to leave.
2. Velagići School – (Detention) Schedule C.10.3 and (Killings) Schedule B.8.1	
773	Serb police and military authorities, who arrived at the school building in Velagići after the shooting, made arrangements to transfer the bodies to a mass grave site in the woods outside Lanište. A total of 77 bodies were exhumed from the mass grave on Mount Grmeč (Lanište II), Ključ municipality.
3. Property related Crimes	
775	In the period June to mid-July 1992, Serb forces entered several villages and deliberately destroyed religious monuments and around 3,500 houses owned by Muslims in the municipality of Ključ.
776	In May 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.
4. Destruction of Sacred Sites - Schedule D.7	
781	The Ključ town mosque and its minaret were destroyed in August 1992.
5. Removal of non-Serbs	
789	An agency for the reception and removal of refugees had been established on 27 May 1992 by the Ključ crisis staff. Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.
790	In accordance with the Ključ crisis staff decision of 30 July 1992, those who wished to leave the municipality had to submit a statement saying that they were leaving permanently, and were to exchange their property or surrender it to the municipality. The SNO and SJB were in charge of issuing the relevant documents.
792	Out of the 17,000 or so Muslims who had been living in the Ključ area, only around 600 remained there by the summer of 1992.
G. The Municipality of Kotor Varoš	
2. Killings related to Grabovica - Schedule A.4.4	
806	However, on 4 November 1992, approximately 150 of these men were killed.
4. Property related Crimes	
811	Towns 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.

812	The town of Kotor Varoš and the village of Vrbanci were attacked by the Bosnian Serb army in June 1992.
6. Removal of non-Serbs	
827	On 29 June 1992, the Kotor Varoš crisis staff decided to establish an agency to oversee the resettlement of persons; all buses in the municipality were to be made available for that purpose.
834	Large parts of the non-Serb population moved out of the municipality of Kotor Varoš in 1992 due to the circumstances in the municipality; some villages like Večići, Sokoline, Viševce, Ravan, and Bilice, were completely abandoned by their Muslim population.
H. The Municipality of Prijedor	
1. Background and Takeover of the Municipality	
846	By the end of April 1992, a number of clandestine Serb police stations were created in the municipality of Prijedor and more than 1,500 armed men were ready to take part in the takeover.
856	After the take-over of Prijedor, 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.
2. Municipal Crisis Staff	
860	According to the "Decision on Appointments to the Prijedor Municipal Crisis Staff", adopted on 20 May 1992, 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.
5. Killings - Schedule A.6	
<i>a) Killings related to Kozarac and the surrounding area - Schedule A.6.1</i>	
884	During the collection and forced transfer of civilians from Kozarac, Duško Tadić participated in the beating and killing of Muslims.
886	When the fighting broke out in Kozarac, 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>e) Killings related to Brdo- Schedule A.6.5</i>	
901	A large number of 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.
903	On 23 July 1992, Bosnian Serb soldiers 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>g) Killings related to Ljubija football stadium - Schedule A.6.8</i>	
911	In July 1992, at the Ljubija football stadium, located in Gornja Ljubija, 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>h) Killings related to Ljubija mine, Kipe - Schedule A.6.7</i>	
915	In 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'.
917	Elvedin Našić and Nermin Karagić managed to escape, while all other persons travelling on that bus were killed.
<i>i) Killings related to Briševo - Schedule A.6.9</i>	
924	During the attack on Briševo on 24 and 25 July 1992, at least 68 persons were killed, 14 of whom being women.
6. Measures taken against non-Serbs	
925	The non-Serbs in the Prijedor municipality who were not sent to 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.
929	Upon its formation in May 1992, the Prijedor Crisis Staff implemented restrictive measures against non-Serbs, who were fired from their jobs, refused necessary documentation and whose children were barred from attending primary and secondary schools. Non-Serbs no longer qualified for leadership positions in Prijedor and were eventually forced to leave almost all positions.
930	The control over movement of non-Serbs in Prijedor municipality 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.

933	After the take-over of Prijedor, travel outside the municipality was prevented for non-Serbs, and within the municipality travel was severely restricted by means of a curfew and checkpoints.
934	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.
7. Detention Facilities in the Municipality Generally – Schedule C.15	
936	The non-Serb population was not permitted to return to Kozarac after the 24 May 1992 attack on the city, 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.
8. Omarska Camp – Schedule C.15.2	
946	Omarska camp was established by the civilian authorities of Prijedor municipality. It was staffed mainly by the police.
947	Omarska camp was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village. The camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps.
951	Inmates at Omarska 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.
960	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.
963	Simo Drljača was the Head of the SJB in Prijedor throughout 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.
968	One of the security rings 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.
975	Many of the prisoners at Omarska confined in the white house received no food at all during their time there.

982	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.
983	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.
999	The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl.
9. Killings related to Omarska Camp – Schedule B.13	
<i>a) Killings related to Omarska Camp - Schedule B.13.2</i>	
1007	Around 29 May 1992, detainees from the Benkovac military barracks were transferred to the Omarska 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.
1010	One room in the white house at Omarska was reserved for brutal assaults on prisoners, who were often stripped, beaten and kicked and otherwise abused.
1013	Dead bodies of prisoners, lying in heaps on the grass near the white house, were not an infrequent sight in Omarska. Those bodies would be thrown out of the white house and later loaded into trucks and removed from the camp.
1014	At Omarska, the red house was a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive.
1020	Around 200 people from Hambarine arrived in the Omarska camp sometime in July 1992. They were initially accommodated in 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.
1023	Dr. Esad Sadiković, a physician, had previously worked for the UNHCR. 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 told Dr. Sadiković to come out and take his stuff with him. The other detainees knew that this meant he would not return. Everybody stood up and bid him farewell.
<i>b) Killings related to men from Brdo - Schedule B.13.4</i>	
1026	At the end of July 1992, the killing of inmates with a special professional background started at Omarska. 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 Brdo area were killed.
10. Keraterm Camp – Schedule C.15.3	
1033	In Keraterm camp, prisoners were crowded into its rooms, as many as 570 in one room, with barely space to lie down on the concrete floors.
1037	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.
1039	Most of the detainees in Keraterm camp were interrogated in an attempt to identify opponents of the new Serb regime.
1042	At Keraterm camp, interrogators consisted of member of the Banja Luka CSB and of the Banja Luka Corps.
1044	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.
1048	In June or July 1992, at Keraterm camp, a number of 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.
13. Trnopolje camp – Schedule C.15.4	
1064	The camp guards at Trnopolje were all dressed in military, rather than police uniform and were from Prijedor.
1071	Because of the lack of food and the unsanitary conditions at the Trnopolje camp, lice and scabies were rampant and the majority of inmates suffered from dysentery.
1073	Mistreatment was commonplace at Trnopolje camp. The Serb soldiers used baseball bats, irons 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.
1074	There were many 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.
15. Miška Glava Dom – Schedule C.15.5	
1079	At Miška Glava, the secretary of the local commune had his office at the Miška Glava dom, which was staffed by the Territorial Defence.

16. Property related Crimes	
1083	In-mid 1992, the Bosnian Muslim villages in Prijedor municipality of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići were destroyed by Bosnian Serb forces. The houses were set on fire and looted. The VRS loaded their trucks with goods belonging to non-Serbs.
1085	During the attacks on Prijedor municipality, the main non-Serb settlements were surrounded, bombarded and invaded; and during these attacks, care was taken not to damage the property of Serbs.
1086	On 30 May 1992, the old part of the town of Prijedor known as Stari Grad, inhabited mostly by Muslims, was destroyed.
1089	Soldiers looted after the Kozarac town had been cleansed of its inhabitants.
1091	Serb-dominated villages such as Rajkovići and Podgrade were either not shelled at all or only shelled accidentally.
1093	On 27 May 1992, the town of Briševo was attacked and over a hundred houses were destroyed during the attack.
1096	On 23 July 1992, the Muslim village of Čarakovo suffered extensive damage and destruction and houses were looted.
1097	In mid-1992, the village of Kozaruša, which had a majority Muslim population, was destroyed and only Serb houses remained, for the most part, untouched.
1099	At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces during the attack in May 1992.
17. Destruction of Sacred Sites - Schedule D.11	
1104	The mosque in Hambarine was shelled on 24 May 1992 during the attack on Hambarine.
1105	The Mutnik mosque was destroyed by Serbs between May and June 1992.
1106	The mosque in Kamičani was destroyed by Serbs in June 1992.
18. Removal of non-Serbs	
1112	By May 1992, 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 shelled.
1115	Those Muslims and Croats who were not killed at the Omarska or Keraterm camps were, from Trnopolje, deported from Bosnia and Herzegovina.

I. The Municipality of Rogatica	
1. Takeover of the Municipality	
1123	Rajko Kušić and the SDS ordered all Muslims in Rogatica municipality to surrender their weapons under threat of arrest and expulsion.
2. Veljko Vlahović secondary school – Schedule C.16.1	
1128	Beginning on 22 May and for approximately seven days, Serb forces – including the VRS, Kušić's men, and volunteer forces – shelled and, finally, took control of Rogatica town and the surrounding villages. They met resistance from only about 50 Muslims armed with light weapons. After the shelling, the Serbs ordered the Muslims to gather in the town's central square. Soldiers in JNA uniform, including a reserve JNA captain, demanded that the Muslim population sign a loyalty oath to surrender and move to the Veljko Vlahović secondary school, under the threat of being killed if they did not comply. A total of 2,500-3,000 Muslims assembled in the town square.
1130	Local Serbs under the authority of Rajko Kušić detained up to 1,100 Muslims of Rogatica in the secondary school.
1134	Serb forces detained up to 1,100 mostly Muslim civilians at the secondary school in Rogatica town where they were mistreated, beaten and raped in the period June to August 1992
3. Killings related to the Veljko Vlahović secondary school – Schedule B.14.1	
1135	On some occasions between June and September 1992, male detainees were taken out of the Veljko Vlahović secondary school in Rogatica town and killed.
5. Destruction of sacred sites - Schedule D.12	
1137	By the end of 1992, more than ten mosques in Rogatica municipality were destroyed by mines. They included the Rogatica town mosque, the Arnaudija mosque and three mosques in the Vragolovi area, west of Rogatica town, including the mosque in Vragalovi
J. The Municipality of Sanski Most	
1. Takeover of the Municipality	
1142	On 25 May 1992, calls upon Muslims to surrender their weapons to the Serb authorities were broadcast over Sanski Most radio. Serb patrols collected the weapons. The broadcasts also called on several named individuals – wealthy Muslims and Muslim intellectuals – to surrender.
1146	After the troops had entered the villages, a number of people who had not fled were

	killed. Houses were looted and people fleeing were deprived of the valuables that they were carrying with them.
1148	On 25 March 1992, by proclamation signed by the president of the local SDS, Vlado Vrkeš, and the president of the Sanski Most municipal assembly, Nedjeljko Rašula, all Serb territories in Sanski Most municipality were declared part of the Bosnian-Serb Republic as the unified Serb municipality of Sanski Most.
1151	The Serb crisis staff in Sanski Most dismissed many Muslims and Croats from their jobs, including judges and directors of public companies, the local radio, and the health centre; others were put off from going to work by the treatment they received there, and were replaced with Serbs. Serb managers who had allowed Croats and Muslims to work in their companies were also dismissed. SDS president Vrkeš, accompanied by SOS members and the Serb police, forced out the Croat director of the municipal SDK, appointing a Serb in her place.
1154	Some non-Serb police officers and SDA leaders took refuge in the municipality building in Sanski Most, where negotiations between the political parties continued. On 19 April 1992, the crisis staff addressed an ultimatum to those inside the municipality building.
1155	The municipality building was surrounded by soldiers of the JNA 6th Krajina Brigade. Those inside the building managed to flee to surrounding villages.
1157	As a result of the attacks of the Serb forces on the Sanski Most municipality building and on Muslim and Croat property and other acts of intimidation during March and April 1992, many Muslim and Croat inhabitants left the municipality.
1160	In the evening of 25 May 1992, Sanski Most town was shelled by Serb forces. Serb forces also shelled the hamlet of Okreč, which was predominantly Muslim.
2. Killings – Schedule A.7	
<i>c) Killings related to Hrustovo village - Schedule A.7.2</i>	
1171	On 27 May 1992, Serb forces shelled the village of Hrustovo, an almost exclusively Muslim village. 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. On 30 May 1992, the Muslims of the village decided to hand in their weapons, but the shelling continued. The next day, as people from 21 households were forced to leave Jelečevići, a Muslim hamlet in the area of Hrustovo, about 30 women and children and one man took refuge inside a garage. Eight to ten Serb soldiers in camouflage uniform came to the garage and ordered the Muslims out. A man who tried to mediate was shot and the soldiers killed sixteen women and children when they tried to get away.
<i>d) Killings related to Blaževići - Schedule A.7.3</i>	
1179	20 Muslim men were arrested, interrogated and taken before Vlado Vrkeš, president of the Sanski Most SDS, who assured them they had nothing to fear. They were led by Serb soldiers to a house in the hamlet of Blaževići. The soldiers threw explosives

	into the house, and then opened fire with rifles against those trying to escape. The bodies of the dead were taken back into the house and the house was set on fire.
1180	In total, more than 88 Muslim civilians were killed by Serb forces in the municipality of Sanski Most in the period from the end of May to August 1992. Serb forces attacked many majority-Muslim villages and settlements in the municipality and destroyed mosques and Muslim houses and business premises.
3. Property related Crimes	
1188	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.
5. Removal of non-Serbs	
1201	After the shelling of the village of Hrustovo in May 1992, between 50 and 100 Serb soldiers escorted the survivors with around 200 inhabitants of neighbouring villages to the hamlet of Kljevci, where their valuables were confiscated. Serb soldiers detained the villagers at various locations before transporting them by bus and train to Doboj, where they were ordered to find their way to Muslim-held territory.
1203	The crisis staff of Sanski Most decided, on 2 July 1992, that departure from the municipality would be granted to persons who had given a statement to the municipal authority that they were permanently leaving the municipality and who had exchanged their immovable property or surrendered it to the municipality.
1206	After the attacks and acts of intimidation in the municipality of Sanski Most between the end of May and August 1992, many Muslims and Croats left the municipality. Serb forces also detained more than 1,500 mainly Muslim and Croat civilians in eighteen detention facilities in the municipality. The detainees were mistreated on a regular basis. During September 1992, convoys of thousands of Muslims left the municipality. They were forced to surrender their property to the municipality.
K. Sarajevo Municipalities –Ilidža and Novi Grad	
2. Takeover of Ilidža	
1210	In the beginning of March 1992, a Serb SJB was created in Ilidža, after the Muslim police officers were dismissed from their positions.
3. Ilidža - KP Dom Butmir (Kula Prison) – Schedule C.8.1	
1213	From the outbreak of conflict until October 1992, KP Dom Butmir, or Kula, in Novo Sarajevo accommodated 10,000 Muslim civilians of all ages, for periods ranging

	from a few days to several months.
4. Takeover of Novi Grad	
1220	In April 1992, Serbs set up barricades in the municipality of Novi Grad. One barricade was set up at the bridge across the Bosna River in the Reljevo settlement where only Serbs could pass through.
5. Novi Grad - Cisterns near the Rajlovac Army barracks – Schedule B.10	
1222	On or about 27 May 1992, Serb tanks and armoured vehicles took up positions in the hills around Ahatovići. Using megaphones, the Serbs urged the villagers to surrender. They threatened: “Balijas, surrender, or we kill your children.”
6. Novi Grad - Killings related to the Cisterns near the Rajlovac Army Barracks – Schedule B.10.2	
1229	On 14 June 1992, a Serb man called Žuti, and some other guards took about 52 detainees from the Rajlovac barracks by bus to Sokolina, near Srednje, in Ilijaš municipality. There the guards and the driver got off the bus and attacked it with grenades and automatic weapons. A total of 47 detainees were killed during this incident.
7. Property related crimes in Novi Grad	
1230	Almost all 130 houses in Ahatovići were damaged or destroyed during the attack on the village in May 1992.
9. Removal of non-Serbs from Novi Grad	
1232	Following the attack on Ahatovići in May 1992, all the surviving Muslims in the village were either arrested or expelled, together with some Serbs and Croats who were married to Muslims.
1233	A May 1993 MUP report indicates that 13,000 Muslims and 40 Croats had left the municipality of Novi Grad, while 3,400 Serbs had arrived.
L. The Municipality of Sokolac	
1. Takeover of the municipality	
1234	In March 1992, barricades were set up in Sokolac and some local Serbs began appearing in JNA and camouflage uniforms and carrying automatic weapons.

M. The Municipality of Vlasenica	
1. Background	
1244	In the beginning of April 1992, SDS and local Muslims negotiated the division of the municipality of Vlasenica into Serb and Muslim parts.
1245	During the April 1992 negotiations, Milenko Stanić, the SDS appointed President of the municipal assembly of Vlasenica, consulted with Rajko Dukić, president of the SDS executive board. Dukić told Izet Redžić, SDA-appointed president of the executive board of Vlasenica municipality, that he was following orders coming from 'higher up'.
1246	Izet Redžić, received threats from Tomislav Savkić, the local SDS president that, if the Muslims refused the partition, armed intervention would follow.
1250	The Serb crisis staff ordered Muslims to surrender their weapons to the Serb authorities and introduced work obligations for them.
2. Killings related to Drum - Schedule A.9.1	
1253	The Serb soldiers took the three male survivors and 20 Muslim women by bus to Sušica camp.
3. Sušica camp – Schedule C.19.3	
1254	Sušica camp was established in Vlasenica municipality on 31 May 1992 by order of Svetozar Andrić, commander of the Birač Brigade, and pursuant to a decision of the Birač SAO which regulated the moving out of the Muslim population from the territory of Birač.
1256	The local MUP and the Serb municipal crisis staff, led by Milenko Stanić, received regular reports on the situation at the Sušica camp.
1260	In the first days of its existence, over 1,000 persons were detained at the Sušica camp. Subsequently, just a few days later, Serb officials allowed the great majority of the women, more than 800, to leave after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily.
1263	Sometime in June 1992, Dragan Nikolić was put in charge of Sušica camp. He told the detainees that he was "God and the law", and submitted them to all kinds of mistreatment, including frequent beatings.
5. Removal of non-Serbs	
1269	In Zaklopač in Vlasenica municipality, a group of women and children and one elderly man surrendered to the Serbs on 17 May 1992. The Serbs took them to the municipality building in Vlasenica town, where the women had to sign statements giving away their houses and properties to "the Serbs". They were then put on a bus

	and dropped off at a point about ten kilometres outside Kladanj. From there, they walked to Kladanj town.
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