

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-00-40-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

BILJANA PLAVSIC

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal"), charges:

BILJANA PLAVSIC

with **GENOCIDE, CRIMES AGAINST HUMANITY, VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR, and GRAVE BREACHES OF THE GENEVA CONVENTIONS** as set forth below:

THE ACCUSED

- 1) **Biljana PLAVSIC**, daughter of Svetislav, was born on 7 July 1930 in Tuzla, Tuzla municipality, Bosnia and Herzegovina.
- 2) **Biljana PLAVSIC** has been a leading member of the Serbian Democratic Party of Bosnia and Herzegovina (hereafter SDS) from early in its establishment in Bosnia and Herzegovina. **Biljana PLAVSIC** was a close associate of Radovan KARADZIC, former President of the SDS, and Momcilo KRAJISNIK, former President of the Assembly of Serbian People in Bosnia and Herzegovina (hereafter Bosnian Serb Assembly).
- 3) From November 18, 1990 until April 1992, **Biljana PLAVSIC** was a member of the collective Presidency of Bosnia and Herzegovina. From January 1991 until April 1992 **Biljana PLAVSIC** served as President of the Council for Protection of the Constitutional Order of the Presidency of Bosnia and Herzegovina.
- 4) From 28 February 1992 until 12 May 1992 **Biljana PLAVSIC** was a member of the acting Presidency of the so called Serbian Republic of Bosnia and Herzegovina (hereafter Serbian republic). On 12 May 1992 **Biljana PLAVSIC** became a member of the three-member Presidency of the Serbian republic. Radovan KARADZIC was elected President of the Presidency.
- 5) **Biljana PLAVSIC**, together with Radovan KARADZIC, Momcilo KRAJISNIK and other members of the SDS, served on the expanded War Presidency of the Serbian republic (hereafter

referred to as the Presidency) from the beginning of June 1992 until 17 December, 1992. From on or about 30 November 1992, **Biljana PLAVSIC**, along with Momcilo KRAJISNIK, Radovan KARADZIC and other members of the SDS was a member of the Supreme Command of the armed forces of the Serbian republic.

COUNTS

6) Between 1 July 1991 and December 30 1992, **Biljana PLAVSIC**, acting individually or in concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, participated in the below-charged crimes in order to secure control of those areas of Bosnia and Herzegovina which had been proclaimed part of the Serbian republic. Those areas include but are not limited to the municipalities of: Banja Luka; Bijeljina; Bileca; Bosanska Krupa; Bosanski Novi; Bosanski Petrovac; Bosanski Samac; Bratunac; Brcko; Cajnice; Celinac; Dobojski; Donji Vakuf; Foca; Gacko; Hadzici; Ilidza; Ilijas; Jajce; Kljuc; Kalinovik; Kotor Varos; Nevesinje; Novi Grad; Novo Sarajevo; Pale; Prijedor; Prnjavor; Rogatica; Rudo; Sanski Most; Sekovici; Sipovo; Sokolac; Teslic; Trnovo; Visegrad; Vlasenica; Vogosca; Zavidovici; and Zvornik.

7) In order to achieve this objective, the Bosnian Serb leadership, including **BILJANA PLAVSIC**, Radovan KARADZIC and Momcilo KRAJISNIK, initiated and implemented a course of conduct which included the creation of impossible conditions of life, involving persecution and terror tactics, that would have the effect of encouraging non-Serbs to leave those areas; the deportation of those who were reluctant to leave; and the liquidation of others. By 31 December 1992, this course of conduct resulted in the death or forced departure of a significant portion of the Bosnian Muslim, Bosnian Croat and other non-Serb groups from these municipalities.

8) Bosnian Serb forces including military, paramilitary, territorial defence and police units (hereafter Bosnian Serb forces), SDS and government authorities acting under the direction and control of **BILJANA PLAVSIC**, Radovan KARADZIC, Momcilo KRAJISNIK and others were engaged in a variety of actions to significantly reduce the Bosnian Muslim, Bosnian Croat and other non-Serb populations of these municipalities.

9) From late March 1992, Bosnian Serb forces seized physical control of the municipalities listed in Paragraph 6, often through violent attacks. These attacks and take-overs occurred in a co-ordinated and planned manner. Organisation and direction of the take-overs and following events were provided by the SDS, military and police leadership, and the governing organs of Serb municipalities, including the Crisis Staffs, War Presidencies and War Commissions.

COUNTS 1-6 (GENOCIDE, COMPLICITY IN GENOCIDE, EXTERMINATION, MURDER, WILFUL KILLING)

10) The Prosecutor re-alleges and incorporates by reference Paragraphs 1-9 and Paragraphs 35-60 in Counts 1-6.

11) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC**, acting individually or in concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the destruction, in whole or in part, of the Bosnian Muslim and Bosnian Croat national, ethnical, racial or religious groups, as such, in several municipalities, including but not limited to: Bijeljina; Bratunac; Bosanski Samac; Brcko; Dobojski; Foca; Ilijas; Kljuc; Kotor Varos; Novi Grad; Prijedor; Rogatica; Sanski Most; Visegrad; Vlasenica; Zavidovici; and Zvornik. The destruction of these groups in these

municipalities was effected by:

a) the killing of Bosnian Muslims and Bosnian Croats which took place during and after the attacks on and within the municipalities and the killing of Bosnian Muslims and Bosnian Croats in and after they had been taken away from camps and detention facilities;

b) the causing of serious bodily or mental harm to Bosnian Muslims and Bosnian Croats during their confinement in camps and detention facilities, and during their interrogations at these locations, police stations and military barracks, where detainees were continuously subjected to, or forced to witness, inhumane acts including murder, sexual violence, torture, beatings and robbery, and

c) the detention of Bosnian Muslims and Bosnian Croats in camps and detention facilities under conditions of life calculated to bring about the physical destruction in whole or in part of those national, ethnical, racial or religious groups, as such.

KILLINGS

12) The killings by Bosnian Serb forces during and after the attacks on and within these municipalities include, but are not limited to:

- the killing on or about 1-2 April 1992 of at least forty-eight Bosnian Muslim and/or Bosnian Croat men, women and children in Bijeljina town - Bijeljina municipality;
- the killing on or about 7-8 May 1992 of seventeen Bosnian Muslims and Bosnian Croats at the Crkvina warehouse - Bosanski Samac municipality;
- the killing on or about 4 May 1992 of approximately ten Bosnian Muslim and Bosnian Croat males at the Hotel Posavina - Brcko municipality;
- the killing on or about 10 May 1992 of thirty-four Bosnian Muslim and/or Bosnian Croat civilians of the village of Gornja Grapska - Doboje municipality;
- the killing on or about 1 May 1992 of over sixty Bosnian Muslim and/or Bosnian Croat villagers from Jelec - Foca municipality;
- the execution on or about 5 June 1992 of eighteen Bosnian Muslim villagers from Ljesevo - Ilijas municipality;
- the execution on or about 30 May 1992 of the Bosnian Muslim and/or Bosnian Croat villagers of Prhovo, including women and children, and the mass execution on or about 1 June 1992 of over one hundred Bosnian Muslim and/or Bosnian Croat males from the village of Velagici - Kljuc municipality;
- the killing on or about 13 August 1992 of seventeen Bosnian Muslim males of Dabovci village, and the killing in November 1992 of approximately one hundred and ninety Bosnian Muslim and Bosnian Croat males of Grabovica village - Kotor Varos municipality.

- the killing on or about 23 July 1992 of the Bosnian Muslim villagers of Carakovo - Prijedor municipality;
- the killing on or about 25 May 1992 of more than thirty Bosnian Muslim and/or Bosnian Croat women and children in the village of Hrustovo - Sanski Most municipality;
- the execution throughout June 1992 of hundreds of Bosnian Muslim men, women and children of Visegrad at various bridges over the Drina, and the 14 June 1992 killing of more than sixty Bosnian Muslim and/or Bosnian Croat villagers from Koritnik village - Visegrad municipality;
- the killing on or about 2 May 1992 of approximately twelve Bosnian Muslim and/or Bosnian Croat males from the village of Drum, and the killing on or about 16 May 1992 of over sixty Bosnian Muslim and/or Bosnian Croat men, women and children of the village of Zaklopaca - Vlasenica municipality;
- the killing on or about 25 June 1992 of twenty-one Bosnian Muslim and/or Bosnian Croat civilians from Vozuca village - Zavidovici municipality;
- the killing on or about 9 April 1992 of fifteen Bosnian Muslim and/or Bosnian Croat males from the town of Zvornik - Zvornik municipality.

13) SDS and government authorities established camps and detention facilities in the municipalities. Following the attacks on the municipalities, Bosnian Serb forces rounded up tens of thousands of Bosnian Muslims and Bosnian Croats and forced them to march to assembly points, for transfer to the camps and detention facilities. Bosnian Muslims and Bosnian Croats were pulled from the columns during these marches and executed.

14) Many of those Bosnian Muslims and Bosnian Croats who survived the attacks and forced marches were taken to these camps and detention facilities, including but not limited to:

- Manjaca in Banja Luka municipality, from about 21 April to 18 December 1992;
- Batkovic in Bijeljina municipality, from about 1 June to 31 December 1992;
- the Vuk Karadzic school in Bratunac municipality, from 1 May 1992 throughout the period alleged in this indictment;
- Luka in Brcko municipality, from 7 May to early July 1992;
- Bare ammunition warehouse from 1 May 1992, Spreca prison from 1 May 1992, the SUP station from 1 May to 31 July 1992, Percin s Disco from 1 May 1992, Sevarlije JNA barracks from 1 May to 30 June 1992, and the JNA hangars near the Bosanska plantation from May 1992, all in Doboj municipality;
- KP Dom in Foca municipality, from 18 April 1992 throughout the period alleged in this indictment;

- Omarska from 15 May to 15 August 1992, Keraterm from 15 May to 6 August 1992, and Trnopolje from 15 May to 30 September 1992 in Prijedor municipality;
- Rasadnik/Sladara from 1 May 1992 throughout the period of this indictment, and Veljko Vlahovic School from 1 May to 31 August 1992, in Rogatica municipality;
- Betonirka from 27 May to 7 July 1992 in Sanski Most municipality;
- Susica from 2 June to early September 1992 in Vlasenica municipality;
- Celopek Dom Kultur from 29 May to 30 June 1992, Ekonomija Farm from about 7 May to 22 May 1992, Karakaj Technical School from 29 May to June 1992 in Zvornik municipality.

15) These camps and detention facilities were staffed and operated by military and police personnel, under the ultimate direction and control of senior Bosnian Serb leadership, including **BILJANA PLAVSIC**, Radovan **KARADZIC** and Momcilo **KRAJISNIK**.

16) The killing by Bosnian Serb forces of Bosnian Muslim and Bosnian Croats in these camps and detention facilities, or after they had been taken away from them, includes but is not limited to:

- the May 1992 summary execution of Bosnian Muslim detainees in Luka Camp - Brcko municipality;
- the killings through May and June 1992 of military aged Bosnian Muslim and/or Bosnian Croat male prisoners from Susica camp - Vlasenica municipality;
- the killings in June 1992 of over thirty Bosnian Muslim and/or Bosnian Croats male prisoners at the Celopek Dom Kultur; the mass killing on or about 1-5 June 1992 of approximately one hundred and sixty Bosnian Muslim males at Karakaj Technical School; the killing on or about 5-8 June 1992 of approximately one hundred and ninety Bosnian Muslim and/or Bosnian Croat prisoners at Gero s slaughterhouse - Zvornik municipality;
- the mass killing on or about 14 June 1992 of forty-seven Bosnian Muslim men from Rajlovac camp - Novi Grad municipality;
- the execution on or about 15 June 1992 of at least ten Bosnian Muslim males from Visegrad Rogatica municipality;
- the execution on or about 20 July 1992 of over one-hundred and fifty Bosnian Muslim and/or Bosnian Croat males from the "Brdo" region of Prijedor at Omarska camp; the execution on or about 24-25 July 1992 of approximately one hundred and fifty Bosnian Muslim and/or Bosnian Croat males in Room 3 of Keraterm camp; the mass execution on or about 21 August 1992 of approximately one hundred and fifty Bosnian Muslim and/or Bosnian Croat males from Trnopolje camp on Vlastic mountain in Skender Vakuf Prijedor municipality;
- the repeated beating, torture and killing during the month of July 1992 of thirty-six Bosnian Muslim detainees in Foca KP Dom; the killing on or about 5 August 1992 of over twenty Bosnian Muslim male detainees from Kalinovik municipality who were taken to Foca KP Dom, and from there later killed near Jelec - Foca municipality.

CAUSING SERIOUS BODILY OR MENTAL HARM

17) In the camps and detention facilities, Bosnian Serb forces and others who were given unrestricted access to the camps, subjected Bosnian Muslim and Bosnian Croat detainees from the municipalities to physical and mental abuse, causing them serious bodily or mental harm. As a result of these inhumane acts, during the period from late March 1992 to 31 December 1992, thousands of Bosnian Muslims and Bosnian Croats died in these detention facilities.

CONDITIONS CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION

18) Conditions in the camps and detention facilities included inadequate food, often amounting to starvation rations, foul water, insufficient or non-existent medical care, inadequate hygiene conditions and lack of space.

19) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC** knew or had reason to know that Bosnian Serb forces under her direction and control were committing the acts described in Paragraphs 11 through 18 above, or had done so. **BILJANA PLAVSIC** failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

By these acts and omissions, **BILJANA PLAVSIC** participated in:

Count 1: GENOCIDE, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute of the Tribunal.

Count 2: COMPLICITY IN GENOCIDE, punishable under Articles 4(3)(e), and 7(1) and 7(3) of the Statute of the Tribunal.

Count 3: Extermination, a CRIME AGAINST HUMANITY punishable under Articles 5(b), and 7(1) and 7(3) of the Statute of the Tribunal.

Count 4: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a), and 7(1) and 7(3) of the Statute of the Tribunal.

Count 5: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, and 7(1) and 7(3) of the Statute of the Tribunal.

Count 6: Wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 7 (PERSECUTIONS)

20) The Prosecutor re-alleges and incorporates by reference Paragraphs 10-19, Paragraphs 24-25 and Paragraphs 35-60 in Count 7.

21) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC**, acting individually or in

concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of persecutions of the Bosnian Muslim, Bosnian Croat and other non-Serb populations of the municipalities listed in Paragraph 6. These persecutions included but are not limited to:

a) the killing by Bosnian Serb forces of thousands of Bosnian Muslims and Bosnian Croats during and after the attacks on the areas and municipalities listed in Paragraphs 11 and 12, and in the camps and detention facilities as described in Paragraphs 14 and 16;

b) the forced transfer or deportation by Bosnian Serb forces of tens of thousands of Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed in Paragraph 6;

c) the inhumane treatment and/or torture of Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed in Paragraph 6. During and after the attacks on these municipalities, whether they were taken to detention centres, police stations, military barracks, private homes or other locations, Bosnian Serb forces subjected Bosnian Muslims, Bosnian Croats and other non-Serb civilians to brutal, inhumane treatment, which included beatings, sexual violence and death threats on a daily basis. Many were forced to witness executions and brutal assaults of other detainees;

d) the constant humiliation and degradation by Bosnian Serb forces of Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed in Paragraph 6. In the detention facilities, Bosnian Muslim, Bosnian Croat and other non-Serb males and females suffered egregious, inhumane conditions on a daily basis. Detainees were deprived of adequate nutrition, adequate medical care, hygienic sanitation facilities, and were forced to endure inhumane accommodations. The detainees subsisted in an atmosphere of constant terror fostered by random brutality. Physical violence, mental suffering, sexual violence and other degrading and humiliating circumstances that constituted fundamental attacks on their humanity were repeatedly inflicted upon the detainees;

e) the denial of fundamental rights by Bosnian Serb forces to Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed in Paragraph 6, including the right to work, freedom of movement, the right to judicial process, and the right of equal access to public services including proper medical care;

f) the wanton destruction by Bosnian Serb forces of Bosnian Muslim, Bosnian Croat and other non-Serb cities, towns and villages in the municipalities listed in Paragraph 6. During and after the attacks on these municipalities, Bosnian Serb forces systematically destroyed Bosnian Muslim, Bosnian Croat and other non-Serb cities, towns, villages and property, including homes, businesses and Muslim and Roman Catholic sacred sites. Buildings were shelled, torched or dynamited. The destruction was so extensive that nothing but portions of buildings and rubble remained in many of these municipalities. Buildings associated with the Serbian Orthodox religion remained untouched.

22) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC** knew or had reason to know that Bosnian Serb forces under her direction and control were committing the acts described

in Paragraph 21 above, or had done so. **BILJANA PLAVSIC** failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these acts and omissions, **BILJANA PLAVSIC** participated in:

Count 7: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 8-9 (DEPORTATION, INHUMANE ACTS)

23) The Prosecutor re-alleges and incorporates by reference Paragraphs 20-22 and Paragraphs 35-60 in Counts 8-9.

24) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC**, acting individually or in concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the forced transfer and deportation of tens of thousands of Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed in Paragraph 6.

25) From early April 1992, the organised forcible transfer of the Bosnian Muslim, Bosnian Croat and other non-Serb populations of these municipalities began. They were deported to areas in Bosnia and Herzegovina under the control of the internationally recognised government and to Croatia and Serbia. The forced transfers and deportations were organised by the Bosnian Serb police forces and other Bosnian Serb municipal organs operating at the direction of the Crisis Staffs. In many cases, Bosnian Muslims, Bosnian Croats and other non-Serbs were required to sign documents stating that they were turning over all of their property to the Bosnian Serb republic in order for Bosnian Serb authorities to allow them to leave or to release them from detention facilities.

26) Between 1 July 1991 and 31 December 1992, **BILJANA PLAVSIC** knew or had reason to know that Bosnian Serb forces under her direction and control were committing the acts described in Paragraphs 24 and 25 above, or had done so. **BILJANA PLAVSIC** failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

By these acts and omissions, **BILJANA PLAVSIC** participated in:

Count 8: Deportation, a **CRIME AGAINST HUMANITY** punishable under Articles 5(d), and 7(1) and 7(3) of the Statute of the Tribunal.

Count 9: Inhumane acts (forced transfer), a **CRIME AGAINST HUMANITY** punishable under Articles 5(i), and 7(1) and 7(3) of the Statute of the Tribunal.

INDIVIDUAL CRIMINAL RESPONSIBILITY

27) As an active member of the Bosnian Serb leadership during the conflict in Bosnia and Herzegovina, between 1 July 1991 and 31 December 1992 **BILJANA PLAVSIC**, acting individually or in concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, exercised both formal and/or defacto power and control over the Bosnian Serb forces and all SDS and government authorities who participated in the crimes alleged in this indictment.

28) In particular, through her position as a member of the Presidency of the Serbian republic, **Biljana PLAVSIC**, acting individually or in concert with Radovan KARADZIC, Momcilo KRAJISNIK and others, directed and controlled the Bosnian Serb forces and all SDS and government authorities who participated in the crimes alleged in this indictment;

a) **Biljana PLAVSIC** became one of the two acting Presidents of the Serbian republic on 28 February 1992. In that capacity she was responsible for the deployment of the Bosnian Serb Territorial Defence in peace and in war, and for the utilisation of the police in war and other emergency situations.

b) On 27 March 1992, the Bosnian Serb Assembly created the National Security Council of the Serbian Republic. The stated function of the National Security Council was to consider political, legal, constitutional and other issues of interest for the security of the Serbian people in Bosnia and Herzegovina. From 27 March 1992 until 12 May 1992 acting Presidents **Biljana PLAVSIC** and Nikola KOLJEVIC together with the members of the National Security Council effectively formed the main authority within the Serbian republic.

c) On 15 April 1992 the National Security Council recommended an immediate threat of war be declared. That same day, signing as the Presidency, **Biljana PLAVSIC** and Nikola KOLJEVIC, declared the imminent threat of war and ordered the mobilisation of the Bosnian Serb Territorial Defence.

d) A three member Presidency of the Serbian republic was formed on 12 May 1992. Radovan KARADZIC was elected President of the Presidency. From 12 May 1992 **Biljana PLAVSIC** served on the Presidency, along with Radovan KARADZIC. On or about 1 June 1992 the Presidency was formally expanded to include Momcilo KRAJISNIK and the President of the Government. The expanded Presidency was the Supreme Commander of the Bosnian Serb army in peace and war and the Bosnian Serb police forces in war and other emergency situations. The Presidency decided on the deployment of the army in war; appointed, promoted and discharged officers of the army of the Bosnian Serb republic. In addition, the Presidency received reports on the activities of units under its command.

e) As a member of the Presidency **Biljana PLAVSIC** had the authority to punish or to initiate investigations or proceedings against any persons or members of the armed forces under her command who were believed to have committed crimes on the territory of the Serbian republic. Having knowledge of the commission of such crimes, **Biljana PLAVSIC** instead condoned and publicly congratulated the forces that had taken part in their perpetration.

f) On 17 December 1992 the expanded Presidency was disbanded and Radovan KARADZIC was elected sole President of the Serbian republic (Republika Srpska). **Biljana PLAVSIC** was elected one of the vice-presidents.

29) In October and November 1991 the Bosnian Serb Assembly authorised **Biljana PLAVSIC**, Radovan KARADZIC and other leading members of the SDS to "represent and protect the interests of the Serbian people in Bosnia and Herzegovina vis-à-vis federal and international bodies;" and to negotiate with Muslim and Croatian representatives on the organisation of future common life in Bosnia and Herzegovina.

30) Among other duties, the Council for the Protection of Constitutional Order supervised the work of the state security service for Bosnia and Herzegovina. It was regularly updated through daily reports from the Ministry of Internal Affairs on matters related to the functioning of the police in Bosnia and Herzegovina.

31) From June 1991, while serving as member of the Presidency of Bosnia and Herzegovina and President of the Council for the Protection of Constitutional Order, and from February 1992, while simultaneously serving as one of the acting Presidents of the Serbian republic, **Biljana PLAVSIC** was continually briefed on, took decisions and issued directives affecting the resources, operational capabilities, command structure, and the co-ordination of activities between police, Territorial Defence and military and paramilitary groups operating in the municipalities.

32) From July 1991, **Biljana PLAVSIC** used her positions as a leading member of the SDS and the Presidency of Bosnia and Herzegovina to provoke the crisis which led to the creation by the SDS of parallel Bosnian Serb political, military and police structures essential to the commission of the crimes alleged in this indictment.

33) **Biljana PLAVSIC** also exercised power and control over the organs and institutions noted in Paragraphs 28, 30 and 31 by virtue of her close association with Radovan KARADZIC and Momcilo KRAJISNIK, and from the role they shared together with other SDS members as the Bosnian Serb leadership.

34) Between 1 July 1991 and 31 December 1992, both through the formal positions alleged above, and pursuant to her de facto power, **Biljana PLAVSIC** knew or had reason to know that Bosnian Serb forces under the control of the Bosnian Serb leadership were committing the crimes alleged in this indictment or had done so, and failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

GENERAL ALLEGATIONS

35) All acts or omissions charged as Genocide or Complicity in Genocide, were committed with intent to destroy, in whole or in part, Bosnian Muslims and Bosnian Croats, a national, ethnical, racial or religious group, as such.

36) All acts and omissions charged as Crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim, Bosnian Croat and/or other non-Serb civilian populations of Bosnia and Herzegovina.

37) At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in Bosnia and Herzegovina.

38) All acts and omissions charged as Grave breaches of the Geneva Conventions of 1949 ("grave breaches") occurred during the armed conflict and partial occupation of Bosnia and Herzegovina.

39) **Biljana PLAVSIC** was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

40) **Biljana PLAVSIC** is individually responsible for the crimes alleged against her in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility

includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

41) **Biljana PLAVSIC** while holding the positions of superior authority as set out in the foregoing paragraphs, is also criminally responsible for the acts of her subordinates, pursuant to Article 7(3) of the Tribunal Statute. A superior is responsible for the acts of her subordinate(s) if she knew or had reason to know that her subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

ADDITIONAL FACTS

42) The SDS was one of the three ethnically oriented parties that emerged in Bosnia and Herzegovina in 1990 in preparation for multi-party elections to be held in November of that year. From its inception, Radovan KARADZIC was the SDS party's president, whilst **Biljana PLAVSIC** and Momcilo KRAJISNIK were leading party members. Each of the three parties was aligned with one of the three principal ethnic groups in Bosnia: the SDS was the principal Serb national party; the Party of Democratic Action (hereafter SDA) was the main Bosnian Muslim national party; the Croatian Democratic Community (hereafter HDZ) was the leading Croat national party. The results of the elections reflected the dominance of these three main national parties. At the Republic level, the SDA won the most seats in the Assembly, followed by the SDS and then the HDZ. The remaining seats were split between other parties, including the former Communist Party.

43) The central idea within the SDS political platform, as articulated by its leaders, including **Biljana PLAVSIC**, Momcilo KRAJISNIK and Radovan KARADZIC, was the unity of all Serbs within Yugoslavia as the only way of protecting the Serbian national interests. This idea was related to the concept of a "Greater Serbia" which began to openly circulate in the Socialist Federal Republic of Yugoslavia (hereafter SFRY) in the late 1980s. The SDS regarded the separation of Bosnia and Herzegovina from the federal Yugoslav system as a threat to the interests of the Serbs living in Bosnia and Herzegovina.

44) The results of the November 1990 elections meant that, as time went on, the SDS would have had insufficient political authority to keep Bosnia and Herzegovina in Yugoslavia through democratic political processes. In the spring of 1991 the SDS began to organise certain areas of Bosnia and Herzegovina into formal regional structures through the concept of "Associations of Municipalities" which existed under the 1974 Yugoslav constitutional regime.

45) Parallel to its organisational structure, which covered republic, regional, municipal and local community levels, in 1991 the SDS leadership developed a closed, covert internal system of command, control and communications. In this system, the main authority belonged to the central SDS party organs and, in particular, to the President and the Main Board of the party, thus ensuring complete control by the party's leadership.

46) In late June 1991, the SFRY began to disintegrate in a succession of wars fought in Slovenia and Croatia after the two republics declared independence on 25 June. The JNA withdrew from Slovenia after a very short period, allowing for its secession from the SFRY. In Croatia, however, the fighting continued throughout the summer and into the autumn of 1991.

47) For the war in Croatia, the JNA issued mobilisation orders to the male population in Bosnia and Herzegovina. These orders were opposed by the government of Bosnia and Herzegovina, which

issued orders to the population that they did not have to respond to the mobilisation. As a result, very few Bosnian Muslims and Bosnian Croats answered the call-up. On the other hand, Bosnian Serbs responded in large numbers, exhorted to do so by the SDS.

48) As the war in Croatia continued, it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence from the SFRY. The SDS however, wanted Bosnia and Herzegovina to remain a part of Yugoslavia. As it became clear that they would not be able to hold Bosnia and Herzegovina in the Yugoslav federation, the SDS began in earnest the creation of a separate Serbian territory in Bosnia and Herzegovina. By September 1991 the SDS proclaimed one Serb Autonomous Region and four Serb Autonomous Districts (hereafter SAOs). The SAOs became the first territorial foundation on which the Serbian republic was to be founded.

49) As viewed by the SDS leaders, a major problem in the creation and control of Serbian territory was the significant Bosnian Muslim and Bosnian Croat and other non-Serb populations that lived in areas the SDS claimed. Thus, a significant aspect of the plan to create a new Serbian state was the permanent removal or "ethnic cleansing" of nearly all of the Bosnian Muslim, Bosnian Croat and other non-Serb populations from those areas, allowing for the presence of only a small number of non-Serbs who would agree to the conditions for living in a Serb-dominated State.

50) In the autumn of 1991, the JNA began to withdraw its forces out of Croatia and re-deploy them in Bosnia and Herzegovina. Working in conjunction with certain elements in the JNA, the SDS began to covertly arm the Bosnian Serb civilian population.

51) A separate Bosnian Serb Assembly, dominated by the SDS, was founded on 24 October 1991 as the highest representative and legislative organ of Serbs in Bosnia.

52) In late December 1991 the leaders of the SDS began preparations for the physical take-over of power in those municipalities of Bosnia and Herzegovina where Serbs did not have clear control, and for the subsequent implementation of a general plan for ethnically cleansing the areas they considered to be Serbian. The take-overs were executed following instructions issued by the SDS leadership, often through Crisis Staffs that were brought into being for this purpose.

53) The Crisis Staff was modelled on an entity that had existed as part of the defence system in the SFRY, and was designated to take over the functioning of the municipalities or republic government, as the case may have been, during times of war or a state of emergency when the Assembly, normally the highest authority of government, would not have been able to function.

54) The Crisis Staffs began functioning in SDS-claimed municipalities in late December, 1991. They operated at both the regional and municipal levels of authority as the bodies that would be responsible for the co-ordination of the execution of most of the operational phase of the plan for ethnic cleansing.

55) On 31 May and 10 June 1992, the Presidency ordered the re-designation of the Crisis Staffs as War Presidencies and then War Commissions in the municipalities. The War Presidencies/War Commissions maintained the same structure and virtually the same authority as the Crisis Staffs, and were still commonly referred to by the public as Crisis Staffs.

56) The Crisis Staffs were to cease operation when the Assemblies were able to meet or to conduct business again. The regular municipal organs would then resume operation, generally under the direction of the same SDS leaders. These municipal organs then approved or validated the actions of

the Crisis Staffs.

57) On 9 January 1992, the Bosnian Serb Assembly proclaimed the "Serbian Republic of Bosnia and Herzegovina". The territory of that republic was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two," and it was declared to be part of the Yugoslav federal state.

58) From late March 1992, Bosnian Serb forces began to seize physical control of ethnically mixed municipalities that had been declared part of the Serbian state, including but not limited to the municipalities listed in Paragraph 8. These attacks and take-overs occurred in a similar, co-ordinated and planned manner. The attacks, take-overs and subsequent events were planned, instigated, ordered, committed or otherwise aided and abetted by Crisis Staffs, War Presidencies, War Commissions and other SDS and government authorities acting under the control and direction of the SDS leadership, including **Biljana PLAVSIC**, Momcilo KRAJISNIK and Radovan KARADZIC.

59) On 12 May the Bosnian Serb Assembly voted to create the Army of the Serbian Republic of Bosnia and Herzegovina (hereafter VRS), effectively transforming the JNA units remaining in Bosnia and Herzegovina and other armed forces working in concert in Bosnia and Herzegovina into commands of the new army. The Bosnian Serb Assembly appointed Ratko MLADIC as Commander of the VRS Main Staff. In this capacity Ratko MLADIC was directly subordinate to the Presidency.

60) The JNA "officially" withdrew from Bosnia and Herzegovina on 19 May 1992, but military operations directed against the non-Serb population continued to be carried out by the VRS and Bosnian Serb police. The JNA, which had been re-named the Yugoslav Army (hereafter VJ) during the SFRY's reconstitution as the FRY in April 1992, continued to have strong links with the VRS. It provided critical combat, financial, and logistic support to the Bosnian Serb military effort. Many officers, commanders, soldiers, logistical centres and much equipment and supplies of the former JNA was left behind for Bosnian Serb use. Former JNA officers were transferred from their posts in JNA units to the same units VRS successor, and most remained in command of those units throughout the conflict in Bosnia and Herzegovina. The salaries of VRS officers continued to be paid by Belgrade. Additionally, from time to time after 19 May 1992, elements of the VJ had a direct role in the conflict in Bosnia and Herzegovina, and provided critical combat support to the VRS.

Graham Blewitt
Deputy Prosecutor

Dated this 3rd day of April 2000
At The Hague
The Netherlands