

VIEW FROM THE HAGUE

CRIMES IN SREBRENICA, THE GUILT LIES WITH INDIVIDUALS

On 11 July 1995, the Bosnian Serb forces entered the UN Safe Area of Srebrenica. During the following week, they killed over 7000 Bosnian Muslim prisoners who had been taken captive after the fall of Srebrenica. It was the largest single massacre committed of the war that raged through the former Yugoslavia from 1991 until 1995.

Killing thousands of people is a crime of extraordinary proportions. It is not a crime of passion, nor a crime of revenge. A crime of this magnitude cannot be committed so efficiently without extensive planning: mobilizing military and police units to act as guards and executioners, finding suitable buildings to hold thousands of prisoners prior to their execution, organizing fuel and transportation to the killing fields and bulldozers to bury the thousands of dead bodies. And it did not stop there - several weeks later, the perpetrators planned, organised and executed another appalling crime - digging up the mass graves and reburying hundreds of bodies in other locations in an attempt to cover up the atrocity.

Because of the magnitude of this horrifying crime, the International Criminal Tribunal for the former Yugoslavia has expended considerable effort in investigating it and identifying those responsible. To date, the Tribunal has issued indictments against fourteen individuals in relation to the events that took place in Srebrenica in 1995. The charges cover all crimes under the Tribunal's jurisdiction, including genocide. The first indictment was issued on 16 November 1995 charging Radovan Karadžić, the President of the Republika Srpska, and Ratko Mladić, Commander of the Main Staff of the Army of RS with various crimes including genocide.

Together with former President of Serbia Slobodan Milošević, Karadžić, and Mladić, the Tribunal indicted several VRS military commanders both for their direct participation in these killings, and for command responsibility, that is, for failing to take measures to prevent or punish the crime: Radislav Krstić, Vinko Pandurević, Vidoje Blagojević, and Dragan Obrenović, as well as police commander Ljubomir Borovčanin. The Tribunal also indicted VRS officers Momir Nikolić, Ljubiša Beara, Drago Nikolić, Dragan Jokić and Vujadin Popović for their direct involvement in committing the crimes as well as Dražen Erdemović, a VRS soldier.

According to the indictments, VRS forces attacked the Srebrenica enclave on 6 July 1995 and entered the city on 11 July 1995. As they advanced, several thousand Bosnian Muslims - men, women and children - fled to the UN compound at Potočari. The Dutch Battalion stationed in Potočari did not allow the refugees to remain within the compound and the Bosnian Serb forces took control and separated the Bosnian Muslim men and boys from the women and children. The men and boys were detained in and around Potočari while the women and children were transported by buses and trucks outside the enclave.

Another group, numbering approximately 15,000 Bosnian Muslim men, as well as some women and children, fled through the woods towards Tuzla. Thousands of men from this retreating column were either captured by, or surrendered to, the Bosnian Serb forces while many others were killed by shelling as they retreated.

Each of the fourteen accused, with varying levels of responsibility, were charged with a series of organised mass executions of Bosnian Muslim prisoners in the days that followed, as well as with opportunistic killings in a number of locations around Potočari and Bratunac, and summarily executing thousands of Bosnian Muslim prisoners in the village of Kravica, below the Dam near Petkovci, at the Pilica school, at the Branjevo Military Farm, inside the Pilica Cultural Center and

near the village of Kozluk. According to the indictments, in executing the victims, the Bosnian Serb forces used automatic weapons hand grenades and other devices. The indictments also allege that in many instances, while the Bosnian Muslim prisoners were held in detention in inhumane circumstances awaiting execution, VRS and other Bosnian Serb forces subjected the prisoners to many forms of physical and mental abuse.

A few weeks later, the indictments allege, the VRS and other Bosnian Serb forces organised the cover up: from August through to beginning of November 1995, using excavators and other heavy equipment, the VRS and other Bosnian Serb forces try to conceal one crime by committing another, exhuming hundreds of bodies and reburying them in other locations.

The ICTY Appeals Chamber determined beyond a reasonable doubt that Bosnian Serb forces committed genocide in Srebrenica. So far, the Tribunal has issued several convictions in relation to these crimes: Radislav Krstić was convicted of aiding and abetting genocide and sentenced to 35 years in prison. Dražen Erdemović, Momir Nikolić and Dragan Obrenović pleaded guilty to certain crimes connected with the killings at Srebrenica and were subsequently sentenced to 5, 27 and 17 years respectively. Vidoje Blagojević, Dragan Jokić and Slobodan Milošević are currently standing trial. Radovan Karadžić, Ratko Mladić, Vinko Pandurević, Ljubomir Borovčanin, Ljubiša Beara, Drago Nikolić and Vujadin Popović are still at large.

The blame for this crime rests squarely with the individuals who committed it, and not the ethnic group to which the perpetrators belong. As Republika Srpska President Dragan Čavić recently put it, the perpetrators of such crimes cannot expect the entire Serb nation to lose face because of them.

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