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# JUDGEMENT SUMMARY

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TRIAL CHAMBER

The Hague, 27 March 2013

## Trial Chamber Judgement Summary for Mićo Stanišić and Stojan Župljanin

*Please find below the summary of the Judgement read out today by Judge Burton Hall.*

The Trial Chamber is sitting today to deliver its Judgement in the case of Prosecutor v. Mićo Stanišić and Stojan Župljanin. I now read a summary of the Chamber's findings. The full written Judgement will be made available at the end of today's hearing.

At the outset, the Chamber wishes to express its gratitude to counsel for the Prosecution and the Defence, the Registry staff, the Chamber's own staff, and all others who have contributed to the conduct of this trial.

The Judgement is a lengthy document, reflecting the size and complexity of this case. The trial commenced on 14 September 2009 and concluded on 1 June 2012. The Trial Chamber sat for 354 days, during which it admitted the evidence of 199 witnesses, entered 4,377 exhibits into evidence, and took judicial notice of 1,042 adjudicated facts.

The concept of a Greater Serbia has a long history. One of its aspects was the extension of Serbia into those portions of Croatia and Bosnia and Herzegovina containing substantial Serb populations. This was strongly pursued in the late 1980s and on into the 1990s. Through public speeches and the media, Serbian political leaders emphasised a glorious past and informed their audiences that, if Serbs did not join together, they would again be attacked by Ustashas, a term used to instil fear in Serbs. The danger of a fundamentalist Muslim community was also presented as a threat. After the disintegration of the former Yugoslavia began, the theme of the Serb-dominated media was that, if Serbs became a minority, their existence would be endangered. The media presented the Serbs with a choice between waging war or being subjected to non-Serb rule.

The present case pertains to the role and responsibility of Mićo Stanišić and Stojan Župljanin in events that occurred in Bosnia and Herzegovina following the creation of the Republika Srpska in Bosnia and Herzegovina.

Mićo Stanišić was the Minister of the Interior of Republika Srpska. The Ministry of the Interior will be referred to as MUP in this summary.

Stojan Župljanin, during the Indictment period, was the Chief of the Regional Security Service Centre of Banja Luka. From May to July 1992, he was also a member of the Crisis Staff of the Autonomous Region of Krajina—hereafter referred to as the ARK.

Mićo Stanišić and Stojan Župljanin are charged with ten counts of crimes against humanity and violations of the laws or customs of war. One of the modes of this criminal responsibility is their participation in a joint criminal enterprise—or JCE. The objective of the alleged JCE was to permanently remove Bosnian Muslims, Bosnian Croats, and other non-Serbs from the territory of a planned Serbian state. The JCE allegedly came into existence no later than the establishment of the Assembly of the Serbian People in Bosnia

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on 24 October 1991 and continued until the signing of the Dayton Accords in 1995. The objective of the alleged JCE is said to have been achieved by means which allegedly included the commission of the crimes enumerated in counts 1 to 10.

Mičo Stanišić is charged with criminal responsibility for crimes committed in 20 municipalities in Bosnia and Herzegovina. He allegedly participated in the creation of Bosnian Serb entities and forces that implemented forcible takeovers of municipalities and in the development of Bosnian Serb policy at the leadership level in order to secure these takeovers and the forcible removal of the non-Serb population. He also is said to have commanded, directed, and assisted in the co-ordination of MUP forces, when acting jointly or in co-ordination with crisis staffs, the Army of Republika Srpska—referred to as the VRS—, and other Serb Forces, in order to implement the objectives of the JCE. Stanišić allegedly facilitated the establishment and operation of camps and detention facilities in which Serb Forces beat, sexually assaulted, and killed non-Serb detainees. It is therefore alleged that, while being under a duty to protect, as the Minister of the Interior, he failed to take adequate steps to protect Bosnian Muslims, Bosnian Croats, and other non-Serbs. Furthermore, Stanišić allegedly encouraged and facilitated the commission of crimes by Serb Forces by not taking adequate measures to investigate, arrest, or punish the perpetrators of such crimes and, as such, contributed to the maintenance of a culture of impunity by participating in sham inquiries into these crimes.

Stojan Župljanin is charged with criminal responsibility for crimes committed in eight municipalities in Bosnia and Herzegovina—the ARK Municipalities. Župljanin allegedly participated in the formation of Bosnian Serb entities and forces that implemented the forcible takeovers of municipalities. In order to implement the objectives of the JCE, he allegedly ordered, commanded, and directed members and agents of the MUP, when co-operating or acting jointly with crisis staffs, the VRS, and other Serb Forces, and participated in the formation, financing, supplying, and supporting of special units. He allegedly facilitated, established, or operated camps and detention facilities in which Serb Forces beat, sexually assaulted, and killed non-Serb detainees. Therefore, Župljanin allegedly failed, while being under a duty to protect, to take adequate steps to ensure the protection of the civilian population in the Autonomous Region of Krajina. It is alleged that he, instead, encouraged and facilitated the commission of crimes by Serb Forces against Bosnian Croats, Bosnian Muslims, and other non-Serbs. Furthermore, he allegedly failed to take the necessary steps to investigate, arrest, or punish the perpetrators of these crimes, thereby contributing to the maintenance of a culture of impunity, including by participating in sham inquiries concerning these crimes.

The Trial Chamber will now briefly summarise its findings on the crimes alleged to have been committed in 1992 in Bosnia and Herzegovina.

In the early hours of 3 April 1992, a paramilitary group known as the Serbian Defence Forces, or SOS, set up checkpoints and blockaded the town of **Banja Luka**. The blockade was orchestrated by high-ranking members of the Serbian Democratic Party—hereafter referred to as the SDS—and was backed by Serb municipal authorities, the police, and the Territorial Defence—hereafter referred to as the TO. Many non-Serbs were dismissed from their jobs, including those in leading positions. Members of the police, including members of the Banja Luka CSB Special Police Detachment, began rounding up Muslims and Croats, searching their apartments, beating them, looting their property, and taking them to the Banja Luka CSB, where police and state security inspectors interrogated them and frequently beat them. The municipality of Banja Luka also hosted the largest detention camp of the ARK, known as Manjača. Starting in mid-May 1992, Serb civilian police from Prijedor, Sanski Most, Ključ, and other ARK municipalities transported thousands of detainees to Manjača. About 98% of the detainees were of Muslim and Croatian ethnicity. In Manjača, prisoners were held in unsanitary conditions, were not provided with sufficient food or medical care, and were beaten on a regular basis. Several Muslims and Croats died as a consequence of the beatings. Others died of asphyxiation while being transported in locked refrigerator trucks from Prijedor to Manjača. As a consequence of the campaign of

violence, by September 1992, thousands of Muslims and Croats had left the municipality. Before they could leave, however, Serb authorities forced them to surrender and leave most of their property behind.

Between May and September 1992, the 19<sup>th</sup> Infantry Brigade of the VRS and Serb police, fighting together, took control of **Donji Vakuf**. There were at least seven clashes in Donji Vakuf between the Serb police and Muslims, with the Serb police sometimes being supported by VRS units. Between mid-June and mid-September 1992, Muslim and Croat male civilians were arrested by Bosnian Serb soldiers, military police, and police officers. They were detained in the Public Security station—or SJB. They were also confined at the TO warehouse, the Vrbas Promet factory, and a detention facility known as The House. In these locations, the detainees were regularly beaten. Naim Sutković, an elderly detainee, died as a result of a severe beating at the warehouse, and two detainees were killed at the factory. In the course of 1992, 12,970 Muslims and 480 Croats left Donji Vakuf due to harassment and threats by Serbs.

On 7 May 1992, JNA forces entered the town of **Ključ**, imposed a curfew, and set up checkpoints at important locations throughout the municipality. From then onwards, arbitrary arrests of Muslims and Croats were carried out by Bosnian Serb police. As a result, Bosnian Muslims from surrounding villages were arrested and taken to detention facilities at a school and the SJB building in Ključ. From mid-1992 onwards, villages in the municipality that were predominantly inhabited by Muslims and Croats were shelled by Serb Forces. This was accompanied by the looting of their valuables. On 1 June 1992, approximately 76 detainees were killed in Velagići by VRS soldiers. On 10 July 1992, at least 144 men were killed by Serb police and VRS soldiers during “mopping up” operations in Biljani. Significant numbers of persons living in the municipality of Ključ were forced from their homes between May 1992 and January 1993.

On 11 June 1992, Serb Forces commenced the takeover of the town of **Kotor Varoš** and the surrounding villages, all of which were inhabited by Muslims or Croats. A total of 14 Muslim and Catholic monuments in Kotor Varoš were heavily damaged or completely destroyed in 1992—most of them in July and August—by fire, explosives, or shelling. The Banja Luka CSB Special Police Detachment and police from Kotor Varoš arrested and detained Muslim and Croat individuals at the Kotor Varoš SJB, the Kotor Varoš prison, and the sawmill. Detainees at the SJB were brutally beaten and held in inhumane conditions with insufficient food, water, and sanitation facilities. At the Kotor Varoš prison, detainees were physically mistreated by soldiers, and some were beaten to death or were executed after being beaten. Over 300 Muslim and Croat women, children, and elderly men were held at the sawmill. Female detainees were taken out of the main hall of the sawmill during the night and raped by members of the Serb Forces. On 25 June 1992, Serb Forces killed approximately 26 men on the way to and in front of the medical centre. Thousands of Muslim and Croat residents were transported out of Kotor Varoš or fled as a consequence of the mistreatment, intimidations, looting, and destruction of property and religious buildings.

Serb Forces took over the municipality of **Prijedor** on 30 April 1992. The perpetrators in Prijedor comprised members of the local Crisis Staff, active and reserve police, the TO, the JNA, and the VRS. Blockades and checkpoints were established around the towns and villages, and the movement of Muslims and Croats was curtailed. They were dismissed from their places of employment. Muslim members of the police were relieved of duty and replaced by persons of Serb ethnicity. Radio announcements made pejorative references to Muslims and threatened to destroy everything that belonged to them, including mosques and historic monuments, which were eventually reduced to ruins. Muslims and Croats were required to identify their homes with white flags on the windows. Most of these homes were looted and then razed to the ground. Over 1,000 people were killed during the takeover of Prijedor.

Inhabitants of towns and villages in and around Prijedor were escorted to improvised detention camps in Trnopolje, Omarska, and Keraterm. Their belongings were taken from them during the course of transit and at arrival in these camps. The conditions at these camps—as well as at the Prijedor SJB and the Ljubija football stadium—were deplorably inhumane. Detainees—including women, children, the old, and the infirm—were beaten, sexually assaulted, and deprived of basic civic amenities, such as appropriate food, water, shelter, sanitation, and medical help. The Chamber has found that several persons died in these detention facilities as a result of the ill-treatment and torture. Over 100 persons were executed in Room 3 at Keraterm camp in one night around 25 July by Serb guards. At Omarska camp, where the Red and White Houses came to acquire particular infamy among the approximately 3,000 inmates, mass executions were conducted from late July onwards. At Trnopolje, the detainees were primarily women and children, and the women were routinely subjected to rape.

Eventually detainees were expelled in convoys to Muslim-held territory. Over 33,000 residents of Prijedor and its neighbouring towns and villages left the area in the course of the conflict in 1992. On 21 August 1992, one such convoy of four buses from Trnopolje, which was escorted by Prijedor policemen and members of the Intervention Platoon, stopped along its route at the cliffs called Korićanske Stijene in Skender Vakuf. Between 150 and 200 men were ordered off the buses, made to kneel at the edge of the gorge, and then executed. One witness testified that he turned to his father and said, “Father, throw yourself.” The father then pushed him off the cliff. Grenades were thrown into the gorge to make sure no one survived. This witness was one of only a few survivors. None of the policemen involved in the incident were held accountable for their involvement.

On 25 March 1992, the president of the **Sanski Most** branch of the SDS announced that all Serb territories in the municipality were declared to be part of Republika Srpska. In April, the 6<sup>th</sup> Krajina Brigade of the JNA set up checkpoints in the town of Sanski Most. Serb authorities formed a Crisis Staff, which was controlled by the SDS. The Crisis Staff, with the help of paramilitaries, began dismissing Muslims and Croats from their jobs. Serb paramilitaries blew up businesses belonging to Muslims and Croats. In May, upon orders of the Crisis Staff, the JNA and the TO carried out an operation to confiscate illegal weapons. This operation only targeted citizens of Muslim and Croat ethnicity. After conducting military operations against non-Serb villages and settlements, members of the 6<sup>th</sup> Krajina Brigade—including its military police—looted property, destroyed houses and mosques, and arrested about 1,600 Muslims and Croats. These men were kept in harsh conditions in detention facilities in Sanski Most, where policemen and members of the TO beat them. Women and children were also temporarily detained before Serb civilian authorities organised convoys to expel them to Muslim-controlled territory. By the end of 1992, almost all of the Muslims of Sanski Most had fled as a consequence of the campaign of violence carried out against them by Serb Forces.

In early April 1992, **Teslić**, a Serb-majority municipality, was declared a constituent part of Republika Srpska. Non-Serbs were arrested, detained, and questioned by Bosnian Serb police. Non-Serb police officers who did not sign a declaration of loyalty to the Serb MUP were dismissed. In June 1992, Serb Forces searched and looted houses belonging to Muslims and Croats in Teslić. The army indiscriminately shelled the Bosnian Muslim village of Stenjak and Teslić, following the expiration of a deadline issued to the inhabitants to surrender their weapons. Thousands of Muslims and Croats fled Teslić. Hundreds of Bosnian Muslim and Croat men were arbitrarily detained at the SJB building and the TO warehouse. While in detention, detainees were subjected to beatings and deplorable living conditions, including serious overcrowding and lack of sanitation facilities. At least three men were killed while in detention at the TO warehouse as a result of beatings they received.

**Bijeljina** was brought under Serb control after four days of fighting, which began on 31 March 1992 with the arrival of a group of feared paramilitaries known as “Arkan’s Men”. By 3 April, dozens of non-Serbs, including women and children, had been killed—some of them shot at close range. In the ensuing months, Muslim residents were increasingly

terrorised through a campaign of intimidation and violence, culminating in the murder of two prominent Muslim families. While the attacks were orchestrated by the SDS Crisis Staff, the killings, looting, searches, and seizure of property were carried out by a special police unit and various paramilitary formations. Wealthier Muslims could obtain passports for exorbitant fees and leave. Others, however, were simply bussed to the demarcation line or detained at the Batković camp. This camp held more than 1,200 detainees, most of whom had been transferred there from detention camps in other municipalities. The camp's sanitary and sleeping conditions were poor and detainees were beaten on a regular basis, some of them so severely that they died.

On the morning of 10 June 1992, Serb paramilitaries entered **Bileća**. Together with the Serb police, they arrested about 140 Muslims and unlawfully detained them for months. The prisoners were held in appalling conditions and were systematically beaten by members of the police and paramilitaries. Two detainees died as a consequence of the beatings. After the arrests began, Serb Forces imposed restrictions on the movement of the Muslim population, looted their property, and razed their houses and mosques. As a consequence of this campaign of violence, the Muslim population fled Bileća.

On the morning of 17 April 1992, the town of **Bosanski Šamac** was forcibly taken over by Serb Forces, which included JNA soldiers. Over the next two days, the non-Serb population was forced to surrender their weapons to the JNA. Immediately after the takeover, large-scale arrests and looting by Serb Forces started. In April 1992, businesses and private buildings belonging to Muslims and Croats were targeted, damaged, and destroyed by the JNA and other Serb Forces. On 7 May 1992, 16 Muslim and Croat detainees who were being held at the Crkvina warehouse in Bosanski Šamac were shot and killed by a member of a Serb paramilitary unit. On 26 April 1992, 47 detainees were forcibly transferred from Bosanski Šamac to Brčko by JNA personnel; and, on 4 July 1992, between 70 and 80 non-Serb detainees were transferred to a village in Croatia.

On 30 April 1992, Serb Forces blew up two bridges linking the town of **Brčko** to Croatia. The explosion killed between 70 and 100 civilians. The following day, 1,000 members of Serb Forces—including JNA, paramilitary, and TO battalions—launched an attack on Brčko. Muslim neighbourhoods were shelled and looted, their houses destroyed or left to burn. Paramilitaries and a special unit, called the Red Berets, flocked to Brčko to loot and plunder. Muslim and Catholic monuments were attacked, with three mosques destroyed within minutes on one afternoon. Large numbers of Muslims and Croats fled the municipality. From May to August 1992, Muslim and Croat civilians were arrested and detained in at least 14 locations. Non-Serbs detained at Luka Camp were held in a crowded hangar. Their valuables were confiscated, and they were forced to perform manual labour. Women were raped, and detainees were beaten with particular cruelty. Each night, for at least five nights, the camp commander Goran Jelisić came to the door of the hangar and yelled for volunteers to come out. The detainees who emerged were lined up against a wall where soldiers beat and cursed them. One detainee was then pulled from the line and forced to lie on the asphalt with his head over a grate. This detainee was shot in the back of the head. Detainees who were lined up at the wall were forced to remove the body, and the killing was then repeated with at least one more detainee from the wall. Detainees who remained in the hangar heard the same thing every time a group was taken: a voice saying, "Lie down. Lean your head against the grate". And then a shot. Approximately 50 men were killed each night in this manner.

On 3 May 1992, Serb paramilitaries, the police, and the JNA took over the town of **Doboj**, and the Serb Crisis Staff took control of the municipality. Members of the Banja Luka Special Police Detachment and paramilitaries—including the Red Berets, Predo's Wolves, and Martić's Men—terrorised the town, raping, looting, and murdering the Muslim and Croat population. The Red Berets and other paramilitary groups took the possessions of Muslims and Croats, arrested them, beat them at the CSB, and delivered them to the Doboj Central Prison, which was run by members of the Republika Srpska Ministry of Justice under the instruction of the Serb Crisis Staff in Doboj. They were detained in unsanitary conditions

and beaten by paramilitary soldiers in the evenings. During the working day, detainees were taken to the CSB and beaten there. In the same period, Serb Forces destroyed Muslim and Catholic monuments. As a result of the intimidating atmosphere, thousands of Muslim and Croat residents fled Doboj in 1992.

By April 1992, the town of **Gacko** was under the control of the JNA. The village was looted and burned, and at least 137 Muslims were killed. Thereafter, 270 Muslims and Croats were kept at six detention facilities. Detainees at the Power Station Hotel were kept under appalling conditions—threatened, abused, and sexually assaulted. Some were beaten, and some killed. Those taken to the Gacko SJB building had their belongings confiscated and were given insufficient food and water in cramped, unsanitary conditions. Many were repeatedly beaten. Detainees saw others executed and were forced to clean up the blood afterwards. One man was forced to watch a close relative being raped by members of the Red Berets. He was then kicked in the face, breaking his nose and cheekbone. Some of the detainees were taken to a bridge near Kotlina, shot by police officers, and thrown off the bridge. In May and June, 800 Muslim women and children were transported out of the city. When the JNA and police attacked Fazlagić Kula on 17 June, hundreds more fled.

In March 1992 in **Ilijaš**, the SJB split along ethnic lines, and the Serb Crisis Staff took over the military and civilian institutions in the municipality. On 27 May, members of the Ilijaš SJB attacked the village of Gornja Bioča. They torched Muslim houses, killed two people, and wounded a little girl. A group of men from the village were taken into custody and imprisoned in several detention facilities, in succession. On 4 June, Serb soldiers and police attacked the majority-Muslim village of Lješevno, killing 20 Muslim villagers and displacing the others to Podlugovi, where they were detained, along with persons from other villages in Ilijaš. The Croat and Muslim detainees were beaten and forced to sing Serb nationalist songs. Around 17 August, the detainees were transferred by Serb military police and personnel of the Ilijaš SJB to a detention centre in Vogošća, known as Planjo's House.

In late March or early April 1992, the police in **Vogošća** were divided along ethnic lines. A large part of the municipality was brought under Serb control by army units and the police between 4 and 17 April 1992. Subsequent to a refusal to surrender, the predominantly Muslim village of Svrake was bombed by military aircraft and taken over on or about 3 May 1992. Up to a thousand Muslims were then detained at the Semizovac barracks. All were released after two to three days, except 100 prisoners who were transferred to a detention facility called "the Bunker". There, they were beaten by members of the Serb police in Vogošća, held in poor conditions, and used for dangerous labour and as human shields. On 8 July, the Serb Municipality of Vogošća created another detention facility in Vogošća at "Planjo's House". At this prison, more than 100, mostly Muslim, detainees were held, beaten, and used as human shields.

From March 1992 onwards, members of the **Pale** police and reserve police arrested Muslims and Croats and detained them at the Pale Gymnasium and the SJB building. These detainees were abused by soldiers, by members of the special police under Rajko Kušić, and sometimes by civilians. The police did nothing to stop this, and some detainees died from these beatings. At the Pale Gymnasium, detainees were starved and kept in such unsanitary conditions that they were eventually covered in lice. Despite this, they were forced to work. On 22 May 1992, Serb Forces launched attacks on Renovica and Donja Vinča. They burned homes belonging to Muslims, and the villagers were arrested and transported from Pale to Muslim-held territory. In the entire municipality of Pale, constant pressure was put on the Muslim citizens to leave. By early July 1992, the Pale SJB—by order of the Pale Crisis Staff and Municipal Assembly—facilitated the transfer of over a thousand non-Serbs out of the municipality in a series of convoys. After they left, members of the Pale police claimed the Muslims' property.

On 14 April 1992, the Užice Corps of the JNA entered **Višegrad**. Convoys were organised, emptying many villages of their non-Serb population. The JNA withdrew from Višegrad on 19 May 1992 leaving behind Serb paramilitary units, including one led by a

member of the reserve police—Milan Lukić. These units carried out widespread operations of mistreatment and humiliation such as abductions, rapes, theft, destruction of property, and arbitrary killings. On 7 June 1992, Milan Lukić abducted and executed five Muslim men on the bank of the Drina River. On 14 June 1992, Milan Lukić, Sredoje Lukić—who was a member of the Višegrad regular police—, and other armed Serbs, locked a group of Muslim civilians, predominately women, children, and elderly persons, into a house on Pionirska Street. The house was set on fire, and persons who tried to escape were shot. Approximately 66 persons were killed in this incident. Hundreds of non-Serb civilians were found to have been killed and at least 11,000 Muslims fled from the municipality of Višegrad.

In April 1992, the municipality of **Vlasenica** was divided along ethnic lines, and on 19 April the Serb Crisis Staff took over power of the municipality. Muslims were subjected to discriminatory measures: they were forced to surrender their weapons, dismissed from their jobs, and assigned work obligations. Their homes and shops were broken into and painted with anti-Muslim signs, their property stolen, and the town mosque destroyed. Muslim residents fled Vlasenica as a consequence of this treatment. The TO, JNA, and Vlasenica Special Police Unit conducted operations in predominantly Muslim villages such as Zaklopača and Drum, during which they detained or killed the Muslim men, removed the women and children to Muslim-controlled territory, and destroyed their homes. Muslims were detained at Vlasenica Municipal Prison, the SJB building, and Sušica Camp. Detainees were subjected to interrogations, beatings, rape, killings, and other inhumane conditions. On 21 May 1992, at least 28 Muslim males from the municipality of Bratunac who were being detained in Vlasenica were shot and killed at a location outside Nova Kasaba.

On 8 April 1992, Serb policemen and paramilitaries, together with TO and JNA units, shelled and took over the town of **Zvornik**. Military operations continued throughout April, May, and June, and Serb Forces took over several Muslim villages in the municipality. After the attacks on Muslim villages, Serb policemen, paramilitaries, and members of the JNA and TO expelled the Muslim population, destroyed their houses and mosques, and stole their property. Serb Forces also arrested hundreds of Muslim men and detained them in facilities in and around the town of Zvornik. Serb policemen and members of the TO beat and mistreated the detainees. At the Dom Kulture in Čelopek, the Yellow Wasps and other paramilitaries—with the knowledge of the police—severely beat and wounded Muslim prisoners. They also humiliated, sexually abused, and mutilated them. Dušan Repić, one of the Wasps' leaders, forced two pairs of fathers and sons to perform sexual acts on each other, including intercourse and penetration with a broom handle. Other members of the Wasps cut off detainees' penises and ears and forced other prisoners to ingest them. If a prisoner did not do so, he was killed. Between the end of May and the beginning of June 1992, members of the TO and paramilitaries, including the Yellow Wasps and the White Eagles, executed at least 497 detained Muslim prisoners. Starting from April 1992, thousands of Muslims were either expelled from the municipality by Serb Forces or fled as a consequence of the campaign of violence.

In an annex to the Judgement, the Trial Chamber has set forth its analysis of the forensic evidence and its findings in relation to each of the 1,735 individually named murder victims in the Indictment.

The Trial Chamber will now summarise its findings on the Prosecution's allegation that a **joint criminal enterprise** came into existence no later than 24 October 1991 and continued throughout the period of the conflict in Bosnia and Herzegovina until the signing of the Dayton Accords in 1995. The Prosecution alleges that the objective of the JCE was to permanently remove Bosnian Muslims, Bosnian Croats, and other non-Serbs from the territory of the planned Serbian state by means which included the commission of the crimes alleged in counts 1 through 10.

In its written Judgement, the Trial Chamber has found that, following the adoption of the declaration of independence in the Bosnian Assembly by the delegates of the Party of

Democratic Action and the Croatian Democratic Union on 15 October 1991, the SDS and the Bosnian Serb leadership began to create separate and parallel Bosnian Serb institutions and to establish Serb municipalities within Bosnia and Herzegovina. The leadership of the Serbian Democratic Party issued the Variant A and B Instructions. The main purpose of these instructions was to prepare the local Serb communities and their leaders to take over power in municipalities across Bosnia and Herzegovina.

What followed, as just described, were the violent takeovers of those municipalities and the ensuing widespread *and* systematic campaign of terror and violence, which resulted in the removal of large numbers of non-Serbs from these municipalities by way of commission of the crimes that the Chamber has found were committed. Throughout the Indictment period, the Bosnian Serb leadership was in charge of the events taking place in the municipalities through its control over political and military structures. On the basis of the numerous statements of the Bosnian Serb leadership at the time, the Chamber finds that the goal of these actions was the establishment of a Serb state, as ethnically “pure” as possible, through the removal of the Bosnian Muslims and Bosnian Croats.

The Chamber therefore is satisfied, beyond reasonable doubt, that a common plan came into existence no later than 24 October 1991 and remained in existence throughout the Indictment period. The objective of the common plan was to remove Bosnian Muslims and Bosnian Croats from the territory of the planned Serbian state through the commission of the crimes of deportation and forcible transfer, as crimes against humanity.

The Trial Chamber now turns to the question of whether the accused in this case were members of the joint criminal enterprise.

**Stojan Župljanin** was born on 22 September 1951 in the village of Maslovare, in the municipality of Kotor Varoš. In 1975, after graduating from law school, he started a career in the police. During the Indictment period, he was Chief of the Banja Luka Security Service Centre of the Ministry of Interior of the Serbian Republic—otherwise known as the Banja Luka CSB. By 6 May 1992, the CSB had in its areas of responsibility the SJBs of all of the municipalities that were part of the Autonomous Region of Krajina—or ARK. While there is no evidence that Župljanin was a member of the Serbian Democratic Party, he undoubtedly had strong ties to it. As the highest police authority in the ARK, Župljanin had the legal duty to protect the entire civilian population regardless of religion, ethnicity, race, or political beliefs. On 5 May 1992, Župljanin became a member of the Crisis Staff of the ARK. From April until the end of July 1992, Župljanin issued several orders to his policemen to follow the instructions of this regional body. These orders included the disarmament of Muslims and Croats and restrictions on the amount of currency and valuables that could be brought out of the ARK.

Stojan Župljanin, in concert with the Banja Luka TO and members of the Serbian Democratic Party and the ARK, was one of the key actors behind the organisation of the blockade of Banja Luka on 3 April 1992. When the non-Serb community in Banja Luka demanded police protection, Župljanin either provided false assurances or openly refused it. In addition, Župljanin dispatched his policemen, including the Banja Luka CSB Special Police Detachment, to disarm the Muslim and Croat population and to participate, with other Serb Forces, in the takeover of municipalities in the ARK. While engaged in these operations, Župljanin’s Special Police Detachment, which he had created and staffed with Serb nationalists, some of whom with prior criminal records, committed heinous crimes against Muslims and Croats, including rape, torture, and murder. Župljanin, despite being repeatedly informed of the crimes of this special unit, continued engaging it in operations in close contact with Muslim and Croat civilians, whom the Detachment continued to abuse. Župljanin was also aware of the unlawful arrest and detention of thousands of Muslims and Croats in the ARK, of the harsh conditions in which they were interned, and of the abuses and other crimes that were cruelly inflicted upon them. In spite of this knowledge, Župljanin continued engaging his policemen in guarding the unlawfully detained prisoners and ordering the transfer and transportation of detainees from police-controlled facilities to

the Manjača camp. Župljanin did issue a number of orders exhorting ARK policemen to respect the law, but these orders were ineffective and—as found by the Trial Chamber—not genuinely meant to be effectuated. Notably, on 20 July 1992, Župljanin proposed to Stanišić to treat unlawfully detained non-Serbs as hostages and to exchange them for Serb prisoners. In spite of his extensive knowledge of the commission of crimes against non-Serbs, including by his subordinates, Župljanin failed to investigate these crimes or to discipline the perpetrators. In relation to at least two incidents where large numbers of Muslims were killed by members of the police, Župljanin misled the judicial authorities in an effort to shield the perpetrators from criminal prosecution.

The Trial Chamber finds—beyond reasonable doubt—that, through these acts and omissions, Stojan Župljanin both intended and significantly contributed to the plan to remove Bosnian Muslims and Bosnian Croats from the territory of the planned Serbian state. Moreover, the crimes that the Trial Chamber has found fall outside the plan—such as murder, extermination, unlawful detention, and torture—were foreseeable to Župljanin. The Chamber has examined the evidence linking the physical perpetrators to members of the JCE and finds that the crimes committed in the ARK Municipalities are imputable to at least one member of the JCE and, thereby, to Stojan Župljanin.

**Mičo Stanišić** was born on 30 June 1955 in the village of Ponor, in the municipality of Pale. In 1973, he commenced work with the SUP in Sarajevo and became an inspector after graduating from law school in 1982. Stanišić attended the first meeting of the Council of Ministers of the Bosnian Serb Assembly. At this meeting, the demarcation of the boundaries of ethnic territory for the Serbs was the priority, as well as the establishment of governmental organs in that territory. Stanišić was involved in the establishment of the SDS and worked to promote and implement its policies. During the Indictment period, he was the Minister of Interior of the self-proclaimed Republika Srpska. As the highest authority in Republika Srpska on matters of interior affairs, Stanišić had the legal duty to protect the entire civilian population—regardless of religion, ethnicity, race, or political beliefs. Stanišić shared a close relationship with Radovan Karadžić and other leading members of the JCE. And he was a key member of the decision-making authorities from early 1992 onwards.

Stanišić had overall authority over the police forces of Republika Srpska and employed the internal affairs organs in accordance with the policies and decisions adopted by the Presidency, the National Security Council, and the Bosnian Serb Assembly—or BSA. His conduct, presence at key meetings, attendance at sessions of the BSA, and acceptance of the position of Minister of Interior—all indicate his voluntary participation in the creation of a separate Serb entity within Bosnia and Herzegovina by the ethnic division of the territory. To this end, Stanišić made active police forces, reinforced with unqualified reserve policemen, available for coordinated action with the armed forces in order to effect ethnic division on the ground. Despite being aware of the commission of crimes by these joint forces, Stanišić consistently approved the deployment of his police forces in this manner. He also permitted the continued use of reserve forces by the army, primarily for the purpose of guarding prisons and detention camps. Stanišić only sought to withdraw regular policemen from combat activities towards the end of 1992, when most of the territory of Republika Srpska had been consolidated.

The Trial Chamber received evidence that Mičo Stanišić issued orders in the course of 1992, particularly between the months of July and August, for the protection of the civilian population. However, Stanišić failed to use the powers available to him under the law to ensure the implementation of these orders, despite being aware of the limited action taken subsequent to his orders. Moreover, the orders in relation to detention camps were prompted by the scrutiny of the international community and were mostly concerned with the image of Republika Srpska in the eyes of the world. By failing to remove errant personnel from the police forces, Stanišić violated his professional obligation to protect and safeguard the civilian population in the territories under their control. The fact that Mičo Stanišić had the ability to do more is borne out by the decisive manner in which he pursued

the theft of Golf vehicles from the RS MUP and harassment of local Serb leaders by paramilitary groups after the outbreak of hostilities.

The Trial Chamber finds—beyond reasonable doubt—that, through these acts and omissions, Mićo Stanišić both intended and significantly contributed to the plan to remove Bosnian Muslims and Bosnian Croats from the territory of the planned Serbian state. Moreover, the crimes that the Trial Chamber has found fall outside the plan—such as murder, unlawful detention, and torture—were foreseeable to Stanišić, except for the crime of extermination, which will be dealt with in a moment. The Chamber has examined the evidence linking the physical perpetrators to the members of the JCE and finds that the crimes committed in the Municipalities, save for the appropriation or plunder of property and wanton destruction in Bileća, are imputable to at least one member of the JCE and, thereby, to Mićo Stanišić.

With respect to the crime of extermination, the Chamber reviewed the evidence on Stanišić's responsibility for this crime pursuant to the remaining modes of liability charged in the Indictment. With regard to the incidents of extermination in the municipalities of Ključ, Kotor Varoš, Prijedor, Brčko, Višegrad, Vlasenica, Zvornik, and Banja Luka, the Trial Chamber finds that Stanišić is not criminally responsible for instigating the crime of extermination, nor is he responsible for aiding and abetting this crime. The Trial Chamber further analysed Stanišić's liability for extermination under the doctrine of command responsibility and finds that he either did not know—or did not have reason to know—that extermination was about to be, was being, or had been committed. In the case of Korićanske Stijene, although Stanišić did come to know of the extermination of over 150 Muslim men within days of the crime, the Trial Chamber finds that he does not bear criminal responsibility for these crimes because the Prosecution failed to prove that Stanišić failed to take necessary and reasonable measures to punish the perpetrators in relation to this incident.

This completes the summary of the findings of the Trial Chamber.

I will now read out the disposition of the Trial Chamber, as contained in the written Judgement:

Will the accused Mićo Stanišić please rise.

For all the foregoing reasons and pursuant to Articles 23, 24, and 27 of the Statute of the Tribunal and Rules 98*ter*, 101, 102, and 103 of the Rules of Procedure and Evidence of the Tribunal, the Trial Chamber hereby **DECIDES** as follows:

The Trial Chamber finds you, Mićo Stanišić, to be **GUILTY**, pursuant to Article 7(1) of the Statute, of the following counts:

Count 1: **Persecution**, as a crime against humanity, through the following underlying acts:

**Killings;**

**Torture, cruel treatment, and inhumane acts;**

**Unlawful detention;**

**Establishment and perpetuation of inhumane living conditions;**

**Forcible transfer and deportation;**

**Plunder of property;**

**Wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings;**

**Imposition and maintenance of restrictive and discriminatory measures;**

Count 4: **Murder**, as a violation of the laws or customs of war;

Count 6: **Torture**, as a violation of the laws or customs of war.

In relation to the following counts, on the basis of the principles relating to cumulative convictions, the Trial Chamber **DOES NOT** enter convictions:

Count 3: **Murder**, as a crime against humanity;

Count 5: **Torture**, as a crime against humanity;

Count 7: **Cruel treatment**, as a violation of the laws or customs of war;

Count 8: **Inhumane acts**, as a crime against humanity;

Count 9: **Deportation**, as a crime against humanity;

Count 10: **Inhumane acts (forcible transfer)**, as a crime against humanity.

The Trial Chamber finds Mićo Stanišić to be **NOT GUILTY**, pursuant to Articles 7(1) and 7(3) of the Statute, of the following count:

Count 2: **Extermination**, as a crime against humanity.

The Trial Chamber hereby sentences Mićo Stanišić to a single sentence of 22 years of imprisonment. Mićo Stanišić has been in custody since 11 March 2005; and, pursuant to Rule 101(C) of the Rules, he is entitled to credit for time spent in detention thus far. Pursuant to Rule 103(C) of the Rules, Mićo Stanišić shall remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the state where he shall serve his sentence.

You may now be seated.

Will the accused Stojan Župljanin please rise.

The Trial Chamber finds you, Stojan Župljanin, to be **GUILTY**, pursuant to Article 7(1) of the Statute, of the following counts:

Count 1: **Persecution**, as a crime against humanity, through the following underlying acts:

**Killings;**

**Torture, cruel treatment, and inhumane acts;**

**Unlawful detention;**

**Establishment and perpetuation of inhumane living conditions;**

**Forcible transfer and deportation;**

**Plunder of property;**

**Wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings;**

**Imposition and maintenance of restrictive and discriminatory measures;**

Count 2: **Extermination**, as a crime against humanity;

Count 4: **Murder**, as a violation of the laws or customs of war;

Count 6: **Torture**, as a violation of the laws or customs of war.

In relation to the following counts, on the basis of the principles relating to cumulative convictions, the Trial Chamber **DOES NOT** enter convictions:

Count 3: **Murder**, as a crime against humanity;

Count 5: **Torture**, as a crime against humanity;

Count 7: **Cruel treatment**, as a violation of the laws or customs of war;

Count 8: **Inhumane acts**, as a crime against humanity;

Count 9: **Deportation**, as a crime against humanity;

Count 10: **Inhumane acts (forcible transfer)**, as a crime against humanity.

The Trial Chamber hereby sentences Stojan Župljanin to a single sentence of 22 years of imprisonment. Stojan Župljanin has been in custody since 11 June 2008; and, pursuant to Rule 101(C) of the Rules, he is entitled to credit for time spent in detention thus far. Pursuant to Rule 103(C) of the Rules, Stojan Župljanin shall remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the state where he shall serve his sentence.

You may now be seated.

The Registry shall now distribute copies of the written Judgement to the parties.

The trial is now completed.  
And this hearing is adjourned