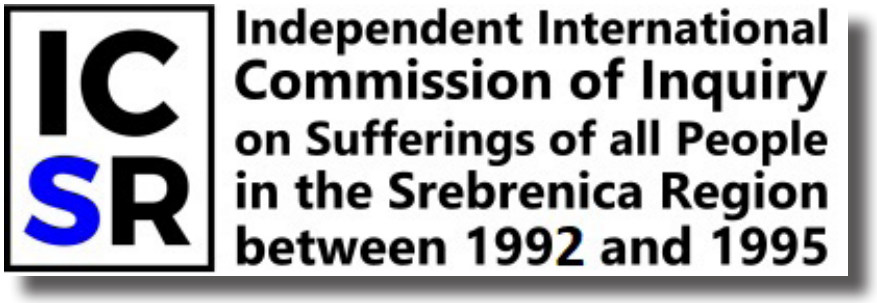

CONCLUDING REPORT

OF
THE INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON SUFFERING OF ALL PEOPLE IN THE SREBRENICA REGION BETWEEN 1992 AND 1995

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2020

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PREAMBLE

The Independent International Commission of Inquiry on Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995 (Commission) was established pursuant to the Conclusion of the National Assembly of Republika Srpska No. 02/1-021-847/18, dated August 14, 2018, in accordance with the Conclusions of the Government of Republika Srpska No. 04/1-012-2-2164/18, dated August 18, 2018, and No. 04/1-012-2-2715/18, dated October 11, 2018. The Commission was appointed by a Decision of the Government of Republika Srpska No. 04/1-012-2-345/19, dated February 7, 2019. The aim and the mandate of the Commission are the following: "Establishing the facts on the sufferings of all peoples, in an objective and impartial manner, through comprehensive and truthful investigation of the events in Srebrenica and the Srebrenica region between 1992 and 1995, in order to strengthen trust and tolerance between the peoples of Bosnia and Herzegovina, and to reach final reconciliation and coexistence of present and future generations".

It should be noted that the Commission is made up of experts who were selected on the basis of their professional expertise, as well as their personal and professional integrity.

Guided by the premise of the necessity of scientific and professional research of all important issues and phenomena in our civilization, even the painful and controversial ones, and the awareness that scientifically documented facts are the best remedy against manipulation, the Commission approached this complex research.

Given the complexity and the extent of work which was to be completed within the defined deadline, the members of the Commission selected assistants of their choice, who facilitated their work when it came to collecting materials, logistics, and technical tasks. Equally effective assistance and support was constantly provided to the Commission by the technical and secretarial staff of the Secretariat.

Although the Commission was established and its work was funded by the Government of Republika Srpska, we must point out that, despite the technical support that the Commission received from its bodies, the Commission has maintained its impartiality and independence. At the first session of the Commission, subject matters were determined and assigned to different members of the Commission on the basis of their appropriateness to the members' fields of expertise. Members of the Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995 are:

- President, Gideon Greif wrote chapters No. 3 and No. 4
- Vice-President, Yukie Osa wrote chapter No. 7
- Steven Meyer wrote chapter No. 8
- Laurence Armand French wrote chapter No. 9

- Roger W. Byard wrote chapter No. 6
- Marija Đurić wrote chapter No. 6
- Adenrele Shinaba wrote chapter No. 5
- Giuseppe Zaccaria wrote chapter No. 10
- Walter Manoschek wrote chapter No. 1
- Markus Goldbach wrote chapter No. 2

Despite the defined deadline, which was extended by six months, the members of the Commission managed to present their findings and observations thoroughly in the Final Report. We must mention that we, as the members of the Commission, understand the complexity and the pain that the mere mention of the civil war causes in all peoples of Bosnia and Herzegovina. Our goal was to investigate and present in an objective manner the suffering of all peoples in the Srebrenica region. We deeply sympathize with the victims and the families of the victims who died during the terrible civil war in Bosnia and Herzegovina and as well express our great respect for them. We are aware that such pain is a lasting one and we believe that all victims should be equally respected and remembered. We understand that there is a possibility that various parties will interpret our Final Report differently, but we note once again that the aim of this report is to explore the main events to the greatest extent possible and to present a balanced image of the suffering of all peoples in the Srebrenica region. In order to reconcile the affected parties, it is important not to diminish the sufferings and perils of either party.

On this occasion, we note that, although the Government of Republika Srpska provided us with technical support in conducting scientific and professional research and enabled us to collect material relevant to our needs and judgment, we kept our distance from all views and policies of any official institution, so as to maintain our strict neutrality and independence. We would like to thank all of the institutions and organizations whose archives and sources were made available to us in our work. Members were reimbursed for travel, accommodation and daily allowances, but did not receive a salary in order to strengthen their neutral position.

During its research, the Commission created an extensive archive of records, official documents and materials that were used as additional evidence and sources for the preparation of the Report. All of these records and materials are archived in the official database of the Commission. An electronic version of this database will exist on the Commission's official website in the form of an electronic library and will be made permanently available to all interested parties and future generations, naturally, in accordance with the degree of availability of each item.

In compiling data for analysis, it became obvious very quickly that many primary documents have discrepancies or were simply not available for review. For this reason, absolute numbers of casualties, both in total and in various theatres of combat, can at best be estimations. The numbers have also been continually updated over the years. For this reason, there may be differences in how some cases were presented throughout different chapters. This does not represent inconsistent or flawed data collection but is instead a reflection of the enormous complexity that is encountered in attempting to unravel the events in Srebrenica. In addition, this report is not meant in any way to be the final word - instead, it is an attempt to clarify issues as a foundation for future investigations and analyses.

During the work on this "Report", a respected and beloved member of the Commission, Giuseppe "Beppe" Zaccaria, passed away. It was a great blow to our team, both in professional and human terms. Born in Bari, a jurist by training, a man of broad education, diverse interests, and a restless and seeking temperament, found his vocation in journalism, to which he devoted himself most passionately and entirely. He was one of the great Italian journalists whose news stories and analyzes were remembered and were carefully listened by both politics and diplomacy. Zaccaria was an experienced connoisseur of world events, and the situations and tribulations through which his rich career had led him made him well acquainted with the technology of news production, but also with the axiom of honest journalism that the truth must always take precedence over any other consideration or interest. An old-school journalist, a seasoned war reporter for the most influential Italian newspapers who reported from many meridians in flames, from Romania, Czechoslovakia, and Hungary, to all neuralgic points of the Middle East, to East Timor, arrived in the early 1990s to the Balkans to follow the developments in Yugoslavia which was going through a tumultuous and painful dissolution. He started working in the same way he always did and for which he was so trusted, trying to see and find out everything that was happening, to understand, and to report as accurately and as interestingly as possible, *sine ira nec studio*, as well as to never lose sight of the fact that all participants in a war and all its victims are people. Precisely such an attitude in regard to reality, as well as his sovereign knowledge of war and social conditions in the territory of the former Yugoslavia, and especially in Bosnia and Herzegovina, his mastery of the most modern means of dissemination and the tools for the transmission of information, but also disinformation, to the international public were what put Beppe forward as a valuable member of our Commission who was entrusted with the extremely sensitive and important research of the media coverage of events that took place on the Bosnian-Herzegovinian battlefield, with an emphasis on the topic of Srebrenica. His contribution to the work and the results of the Commission, that is its Report, is outstanding, which is something everyone who reads it will be able to see for themselves.

The collegial cooperation and friendly association with Giuseppe "Beppe" Zaccaria were a privilege for all Commission members.

IN MEMORIAM

Giuseppe “Beppe” Zaccaria

(1950 – 2020)

During the work on this “Report”, a respected and beloved member of the Commission, Giuseppe “Beppe” Zaccaria, passed away. It was a great blow to our team, both in professional and human terms. Born in Bari, a jurist by training, a man of broad education, diverse interests, and a restless and seeking temperament, found his vocation in journalism, to which he devoted himself most passionately and entirely. He was one of the great Italian journalists whose news stories and analyzes were remembered and were carefully listened by both politics and diplomacy. Zaccaria was an experienced connoisseur of world events, and the situations and tribulations through which his rich career had led him made him well acquainted with the technology of news production, but also with the axiom of honest journalism that the truth must always take precedence over any other consideration or interest. An old-school journalist, a seasoned war reporter for the most influential Italian newspapers who reported from many meridians in flames, from Romania, Czechoslovakia, and Hungary, to all neuralgic points of the Middle East, to East Timor, arrived in the early 1990s to the Balkans to follow the developments in Yugoslavia which was going through a tumultuous and painful dissolution. He started working in the same way he always did and for which he was so trusted, trying to see and find out everything that was happening, to understand, and to report as accurately and as interestingly as possible, *sine ira nec studio*, as well as to never lose sight of the fact that all participants in a war and all its victims are people. Precisely such an attitude in regard to reality, as well as his sovereign knowledge of war and social conditions in the territory of the former Yugoslavia, and especially in Bosnia and Herzegovina, his mastery of the most modern means of dissemination and the tools for the transmission of information, but also disinformation, to the international public were what put Beppe forward as a valuable member of our Commission who was entrusted with the extremely sensitive and important research of the media coverage of events that took place on the Bosnian-Herzegovinian battlefield, with an emphasis on the topic of Srebrenica. His contribution to the work and the results of the Commission, that is its Report, is outstanding, which is something everyone who reads it will be able to see for themselves.

The collegial cooperation and friendly association with Giuseppe “Beppe” Zaccaria were a privilege for all Commission members.

FOREWORD

According to Article 2 of the Rules of Procedure adopted by the Independent International Commission of Inquiry on Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995 (Commission) at a session held on April 1, 2019, establishment, authorities, method of electing members, structure, and the mandate of the Commission were determined by the Conclusion of the National Assembly of Republika Srpska No.02/1-021-847/18, dated August 14, 2018, by Conclusions of the Government of Republika Srpska No. 04/1-012-2-2164/18, dated August 18, 2018, and No.04/1-012-2-2715/18, dated October 11, 218, and by the Government of Republika Srpska Decision No.04/1-012-2-346/19, dated February 7, 2019.

The Commission is made up of experts selected on the basis of professional expertise and regional balance and it includes representatives from the United States of America, Israel, Japan, Australia, Serbia, Nigeria, Germany, Austria and Italy. As stated in Article 3, paragraph 1 of the Rules of Procedure adopted by the Commission, the Commission has a President and a Vice-President. The President was appointed by the Government of the Republika Srpska Decision, in accordance with Article 3, paragraph 2 of the Rules of Procedure, while the Vice-President was elected by the members of the Commission.

Article 26, paragraph 1 of the Rules of Procedure ensures that the coordination of the activities in connection with the preparation of the sessions of the Commission, delivering of materials, communication between members of the Commission, cooperation with other bodies, and other logistical tasks necessary for the work of the Commission are performed by the Commission Secretariat.

The Report was prepared by the Chairman together with other members of the Commission, after it was inspected, revised as necessary, approved, and signed by all members of the Commission. The Final Report was adopted at the final session of the Commission by consensus of all members, taking into account all personal views and positions in the final wording of the text. In this sense, in addition to the fact that each chapter was assigned to certain members, the text of the Report is collectively authored by the Commission as a whole. As the Report is a result of an independent inquiry of each individual member as well as the Commission as a whole, it was solely acknowledged at a session of the Government of Republika Srpska on June 11, 2021.

CHAPTER I

Walter Manoschek
Court Decision Concerning The Srebrenica Region: A Quantitative Analysis

1. Introduction

Srebrenica has become the symbol of evil, and, more specifically, Serb evil. It is commonly described as a horror without parallel in the history of Europe since World War II, in which took place a cold-blooded execution "of more than 10,000 Muslim men by Serb firing squads."[1] The events in question took place near the town of Srebrenica between July 10th and 19th, 1995.

For 25 years, this has been the accepted image of what happened in 1995 in this area. But this simplified image of the cold-bloodedly planned murder of up to 10,000 Muslim men does not hold up to detailed research and critical appraisal. The very name "Srebrenica" has become a synonym for an incomprehensible act of barbarity, in the face of which reason itself can only tacitly stand back in a state of shock. Anything else would imply being guilty of complicity with the perpetrators instead of showing solidarity with the victims of the so-called worst crime against humanity in Europe since the Nazis. In this way, Srebrenica has become a myth, a secular question of faith, and any critique of this myth is perceived as breaking a taboo and is rigorously denounced as such. Both in the international media and in the political and scholarly community, only those positions and facts which affirm and corroborate this image are taken into consideration. Factual inconsistencies are not taken note of, the political interests of the different actors are ignored, false conclusions are not corrected and anybody who would raise doubts concerning the official version of what happened is quickly denounced as a *revisionist*.

1 For example: Jan Willem Honig, and Norbert Both, *Srebrenica: Record of a War Crime* (New York, NY-US: Penguin Books, 1996) [blurb on the cover of the book].

The difficulty in learning the truth about Srebrenica begins with the fact that before any solid information was available, Srebrenica had already become an important symbol, the Bosniak founding myth, and an overwhelming political weapon.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Dutch city The Hague has been responsible for the consolidation of the standard Srebrenica massacre narrative.

With respect to the objectivity of the trials concerning what happened in July 1995 in Srebrenica, the following three points have been most frequently called into question:

1) the categorization of the events as "genocide",
2) the accuracy of the supposed number of victims,
3) the insufficient consideration taken of the preceding attacks made by Muslims, members of the Army of the Republic of Bosnia and Herzegovina troops, which were based in the enclave of Srebrenica, in the surrounding villages and settlements from 1992 onwards as a possible motivation for what happened around Srebrenica during July 1995.

The occupation of the Srebrenica "safe area" by Serbian troops from the Army of Republika Srpska had had, by July 1995, three years of previous history. As early as May 1992, the Serbian residents of the town had fled; Srebrenica thus became an enclave with more than 35,000 Muslim residents. Naser Orić became the Commander of the 28th Division of the Army of the Republic of Bosnia and Herzegovina in the area of Srebrenica, who set about attacking surrounding Serb villages with remarkable brutality. One of the most brutal attacks took place on January 7, 1993, the day on which the Serbian Orthodox Church celebrates Christmas. Naser Orić led this surprise attack against the village of Kravice in which, according to estimates, several thousand Muslim soldiers participated, while only a few hundred residents of the Kravice village participated in its defense. During this attack, all Serbs from the area were driven out, and over 50 civilians and members of the village guards that were defending the village were killed. By the spring of 1993, because of the provocations made by the troops led by Orić, it had almost come to the occupation of the enclave by the Army of Republic of Srpska (VRS). It was clear to the international observers that this without a doubt would have had catastrophic consequences for the civilians living in the area of the enclave. Both the then EU special envoy, David Owen, and the French UN commander in Bosnia, General Philippe Morillon, agreed, testifying during Slobodan Milošević's trial that Milošević at that time used his influence to dissuade the leadership of the Army of Republika Srpska from attacking the enclave during the spring of 1993. "According to US National Security Analyst John Schindler, between April 1992 and July 1995 about 3,000 Serbs, half of whom were unarmed civilians, women, old men, and children, were killed by the soldiers of the ARBiH 28th Division."[2] According to the Republika Srpska's Center for the Research

2 Dominique Delawarde, and Viktor Bezruchenko, *Military analysis of Srebrenica region events 1992-1995* (Bosnia and Herzegovina, Archives of the Center for the Research of War and War Crimes and the Tracing of Missing Persons of Republika Srpska: 2020), 163.

of War and War Crimes and the Tracing of Missing Persons database, that number is somewhat lower and it is about 2,600[3]. A significant part of the local Serbs' animosity towards the inhabitants of Srebrenica developed during this period of the war.[4]

US intelligence agencies were well aware of Orić's activities. While the US State Department churned out press releases and briefings citing Muslim reports of abuses by Serbs, there was almost no mention of Naser Orić's reign of terror in press briefings and human rights reports.

In April 1993, Srebrenica became one of the six so-called "safe areas", protected by UN troops. But Srebrenica was never successfully demilitarized: "The Muslims accordingly handed over approximately 300 weapons, a large number of which were non-serviceable; they also handed over a small number of heavy weapons, for which there was no significant amount of ammunition. A large number of hand-held small arms were removed and hidden outside the town."[5] The Muslim forces – at that time about 5,800 soldiers – continued to make forays into Serb territory, attacking civilians as well as Serb soldiers. In 1994 and 1995, Orić actually invited foreign reporters to show off his *war trophies*: videocassette tapes of his exploits, displaying severed heads and dead bodies of Serbs, burning houses, and piles of corpses.

The atrocities committed by the Muslim division under the command of Naser Orić are well-documented. When the ICTY finally got around to indicting Orić in March 2003, quite possibly in order to create the image of a judicial balance, he was charged with killing only seven Serbs, who were tortured and beaten to death after being captured by his soldiers, and also with the "wanton destruction" of nearby villages. Although he openly bragged to Western reporters about slaughtering Serb civilians, the ICTY reportedly "found no evidence that there were civilian causalities in the attacks on Serb villages in his theater of operations."[6] Orić himself was not convicted of any crimes, and the verdict was correspondingly mild: in 2006, Orić was sentenced to two years in prison. Because of the time he had already served during pre-trial confinement, he was immediately released and came to be celebrated as a war hero by the Muslim population in Bosnia.

Along with the conspicuously mild verdict delivered by the ICTY, the decontextualization of the crimes committed by Orić and his troops from the bloody events which took place in the Srebrenica region in July 1995 also blatantly stands out. By bringing an indictment which did not include the flagrant crimes committed by Orić before July 1995, the ICTY avoided establishing a connection to the massacre in Srebrenica. In all probability, this would

3 Closed access database of the Center for the Research of War and War Crimes and the Tracing of Missing Persons of Republika Srpska.

4 Compare: Honig and Both, *Srebrenica*, 125-128.

5 Delawarde and Bezruchenko, *Military Analysis*, 78.

6 No evidence of civilian casualties in operations by Bosnian commander, *BBC Monitoring: International Reports*, April 11, 2003; for a review of Orić's operations and a critical analysis of the ICTY decision in Savitch, Carl, *Srebrenica: The Untold Story* (critical analysis), as cited in Edward S. Herman, *The politics of the Srebrenica massacre* (n.p.: n.p., n.d.). Retrieved from www.srebrenica-report.com

have cast some doubt on the version that what happened in the area of Srebrenica was a case of planned genocide.

In February 2004, General Morillon, who as the Commander of the UN troops in Bosnia was well-acquainted with the situation, stated that he doubted that it was a case of planned genocide. As a witness during the trial of Slobodan Milošević, Morillon testified that he had feared a bloody act of revenge by the Serbs in and around Srebrenica following the crimes committed by Orić: "Morillon: I was afraid that the local Serbs. . . wanted to take revenge for what they attributed to Naser Orić. It was not only Naser Orić who was the object of their revenge. They also wanted to avenge the deaths from Orthodox Christmas (January 7, 1993)." Judge Robinson then tried to clarify whether Morillon wanted to say that "that which took place (in July) 1995 was a direct reaction to what Naser Orić had done to the Serbs two years before." Morillon responded emphatically: "Yes. Yes your honor. I am convinced that was the case. That is not to say that the people who committed these crimes should be exonerated or that their responsibility should be diminished, but I am convinced, yes."[7] Morillon's testimony was of no interest to the Western media.

2. Concerning the classification of the crimes committed in Srebrenica as "genocide"

In August 2001, the ICTY ruled that the events in Srebrenica in July 1995 constituted "genocide."[8] The statute of the ICTY defines "genocide" in the following terms:

"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."[9]

In light of the fact that the Muslim women and children were deported out of the enclave by the Army of Republika Srpska troops and left alive, the question arises as to whether the deeds done by the Army of Republika Srpska correspond to the ICTY definition, or, as the former commander of the UN Protection Force troops in Bosnia, General Mackenzie, has stated, the situation might be more complex: "It's a distasteful point, but it has to be said that, if you're committing genocide, you don't let the women go since they are key to perpetuating the very group you are trying to eliminate."[10]

Nonetheless, citing the catastrophic effects of the deportation of women and children and the simultaneous killing of several generations of the male population, the ICTY found

7 Prosecutor v. Milosevic. Case no.IT-02-54, ICTY (Tr. at 31975:19-31975:25, February 12, 2004). Retrieved from https://www.icty.org/x/cases/slobodan_milosevic/trans/en/040212ED.htm

8 Prosecutor v. RadislavKrstic, Case no.IT-98-33, "Srebrenica-Drina Corps" Trial Chamber Judgment, (2 August, 2001). Retrieved from www.un.org/icty/krstic/TrialC!/judgement/index.htm

9 Statute of the International Criminal Tribunal for the Former Yugoslavia, Article 4, Paragraph 2.

10 Lewis Mackenzie, "The real story behind Srebrenica," *Toronto Globe and Mail*, July 14, 2005.

the circumstances to satisfy the definition of "genocide" understood as the intent to destroy [a group] in whole or in part. The intricate construction of evidence and the logic of argumentation used to support the charges of "genocide" – according to critics – merely served to enable the judges to confirm the judgment which had already been passed by the western international community.[11] Moreover, the allegation of genocide was used as a justification for the NATO bombardment of Serbia in the conflict in Kosovo in 1999: the argumentation followed the notion that the bombardments would prevent a new genocide like the one in Srebrenica.

When the Serb troops entered Srebrenica, there were approximately 7,000 soldiers from the 28th Division of the Army of the Republic of Bosnia and Herzegovina in the town at that time.[12] Many soldiers were detained and many more fled. Two months later, the International Committee of the Red Cross announced that it was trying to obtain information from Serb authorities about 3,000 persons who, witnesses said, had been detained, and from Muslim authorities about some 5,000 individuals who fled Srebrenica, some of whom reached central Bosnia. The total of these two figures was the original number from which the often repeated estimate that 8,000 or more Muslims had been massacred was derived. However,

> [t]he soldiers of the Bosnian Serb VRS Drina Corps and the Bosnian Muslim ARBIH 28th Division were engaged in legitimate military actions: the VRS Drina Corps – the offensive and defensive activities and blockade of the adversary, and the ARBIH 28th Division was engaged in withdrawal and breakthrough from the encirclement. . . . The 28th Division had suffered enormous losses during the breakthrough, which are assessed to be between 4,500 and 5,000 men killed in action.[13]

Probably 5,000 people had lost their lives in a week of brutal ambushes and fighting in the forests, by the roads, and in the valleys between Srebrenica and the Tuzla district.[14] And it has been well-established that thousands of those who fled Srebrenica and were "missing" had reached Bosniak-controlled territories. However, the missing were simply assumed to have been executed. This was also helped along by the Muslim leadership's refusal to disclose the names and numbers of those reaching safety, but there was a remarkable readiness in the Western establishment not only to ignore those reaching safety, but also to disregard the deaths that happened in combat and to take the bodies of those killed in combat and to use them as proof that they had been executed.

11 Werner Sauer, "Srebrenica: Bemerkungen gegen den Strich," in *Europa und die Dynamik der globalen Krise: Friedensbericht 2006: Ergebnisse der State-of-Peace-Konferenz 2006*, ed. Österreichisches Studienzentrum für Frieden und Konfliktforschung, 241-262, Münster, 2006.

12 Delawarde and Bezruchenko, *Military Analysis*, p. 114.

13 Delawarde and Bezruchenko, *Military Analysis*, p. 162.

14 Carl Bildt, *Peace journey: The struggle for peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), p. 66. Carl Bildt, the former Swedish Prime Minister, served as a mediator in the Yugoslav wars and as the European Union's Special Envoy to the Former Yugoslavia from June 1995 on.

The number of bodies which have actually been found does not come close to corresponding to the total number of victims which the tribunal has purported (for current numbers, see Chapter IV, Chapter V and Chapter VI). Instead of reassessing these figures, the tribunal has assumed "the existence of yet undiscovered victims' bodies", further claiming that the less successful the search for these bodies is, "the more horrible the perniciousness and malice of the perpetrators, even robbing the victims their final resting place through their evil deeds."[15]

The Serb Drina Corps and the Zvornik Brigade took about 2,000-3,000 ARBiH soldiers as prisoners. The Zvornik Brigade Military Police Company had only 69 personnel and could not handle guarding the prisoners.[16] Armed turmoil broke out and on 13th and 14th July a still unknown number of prisoners (for current numbers, see Chapter III and Chapter IV)were shot in Kravica and some other places where the prisoners were detained.[17] Undoubtedly, this was a war crime. Because "opposite to legitimate military action of capturing prisoners in the course of fighting would be to kill or maim enemy combatants who stopped resisting and showed a visible willingness to surrender, *which was not allowed by any means* [emphasis in original text]."[18]

The Serbs themselves do not deny that crimes were committed. But was this part of a plan for genocide? For this, there is no evidence whatsoever.

3. Court decisions concerning the Srebrenica region

This chapter does not aim to analyze or criticize the quality of any court proceedings management, but instead it aims to quantitatively compare the verdicts for crimes against Bosniak and Serb victims in the Srebrenica region. In fact, this region consists of five municipalities (Srebrenica, Bratunac, Zvornik, Milići, and Vlasenica), some of which were part of the Srebrenica enclave, and some of them were attacked from inside of these enclaves. Thus, the Srebrenica region is not a geographical term, but a geostrategic term used to better understand the war, because if we observe this region in that context, it clearly represented one whole in which these municipalities were largely bound to one another.

The Court of Bosnia and Herzegovina has processed a large number of cases, namely 137 persons, for crimes that are territorially related to the Srebrenica region. Ten people have been prosecuted for crimes against the Serb population in the region. All defendants were charged with war crimes against civilians and/or war crimes against prisoners of war. Specifically, four persons were charged with war crimes against civilians under the SFRY

15 Sauer, *Srebrenica: Bemerkungengegen den Strich*, 260.
16 Delawarde and Bezruchenko, *Military Analysis*, 156.
17 For more on the execution of Muslim prisoners of war, see: Chapter V.
18 Delawarde and Bezruchenko, *Military Analysis*, 153.

CC (Article 142), two with war crimes against civilians under the BiH CC (Article 173), two with war crimes against prisoners of war under the SFRY CC (Article 144), and another two with war crimes against civilians and war crimes against prisoners of war under the BiH Criminal Code (Articles 173 and 175). The proceedings against nine defendants were concluded and three of them were sentenced by final judgment to 22 years in prison (one person for war crimes against civilians and war crimes against prisoners of war under the CC BiH, and two persons for war crimes against civilians under the SFRY CC), five defendants were acquitted and one defendant died during the proceedings. The proceedings against one person are ongoing.[19]

One hundred twenty-seven persons have been indicted before the Court of Bosnia and Herzegovina for crimes against the Bosniaks in the Srebrenica region. Forty-seven persons have been indicted for the crime of genocide under the CC BiH (Article 171), 64 persons for crimes against humanity (this offense was not set out in the CC SFRY) under the CC BiH (Article 172), 12 persons for war crimes against civilians under the CC BiH (Article 173), and four persons for war crimes against civilians under the SFRY CC (Article 142). The proceedings against 65 persons were concluded, of whom 35 were sentenced by final judgment to a combined total of 526 years in prison (13 persons for genocide under the SFRY CC, 16 persons for crimes against humanity under the BiH CC, and six persons for war crimes against civilians under the SFRY CC), 25 persons were acquitted, and the proceedings against five persons were terminated due to the death of the defendants. Proceedings against 57 people are ongoing, while proceedings against five other persons have been transferred to other courts.[20]

Quantitative data in the analysis of crimes committed in the Srebrenica region brought before the Court of BiH are as follows:

1. The largest number of persons have been indicted and convicted of crimes against the Bosniaks, 127 of them so far, of whom 35 have been sentenced by final judgment to 526 years in prison; at the same time, 10 persons have been charged with crimes against the Serb population so far, three of whom have been sentenced to 22 years in prison.
2. Observing the length of the sentence, it is evident that the Court of BiH imposed sentences of an average of 15 years for crimes against Bosniak victims, and an average of 7.33 years for crimes against Serbs.
3. The indictments for the crime of genocide and crimes against humanity were confirmed exclusively for crimes against the Bosniaks. So far, no indictment has been filed for crimes against Serbs relating to the crime of genocide and crimes against humanity.

19 Information retrieved from the official website of the Court of Bosnia and Herzegovina (accessed 2020, July 25): http://www.sudbih.gov.ba/

20 Ibid.

After the Court of BiH, we will look at the proceedings brought before the ICTY, related to the Srebrenica region.

When it comes to crimes against the Serb population in the region, only Naser Orić has been tried before the ICTY. In 2006, Orić was sentenced by the Trial Chamber by a judgment that was not final to two years in prison for failing to perform his duty as a superior to take the necessary and reasonable measures to prevent the murders that had happened from 27 December 1992 to 20 March 1993 in accordance with Articles 3 and 7 (3) of the Statute, that is, for failing to perform his duty as a superior to take the necessary and reasonable measures to prevent the occurrence of cruel treatment from 27 December 1992 to 20 March 1993 in accordance with Articles 3 and 7 (3) of the Statute.[21] However, in 2008, by a judgment of the Appeals Chamber, the defense's appeal was upheld and Naser Orić was acquitted on all counts of the indictment.[22]

Therefore, the only proceedings brought before the ICTY for crimes against the Serbs in the Srebrenica region are the aforementioned proceedings against Naser Orić. Given the number of crimes that his unit committed against Serb civilians, and the fact that he was personally involved in some of them, it does not seem to make sense that, after the appeal, this case ended in acquittal.

So far, 27 persons have been tried before the ICTY for crimes against the Bosniaks in the Srebrenica region, of whom 20 have been sentenced by final judgment to four life sentences and 272 years in prison (it should be borne in mind that some of these persons have been indicted and convicted of crimes committed in several municipalities in BiH, not just crimes committed in the Srebrenica region).[23]

As already mentioned, in the Srebrenica region during the period from April 1992 to June 1995, between 2,665 and 3,000 Serbs were killed by the ARBiH, some of whom were unarmed civilians, women, the elderly, and children. So far, only three persons have been sentenced to a combined total of 22 years in prison by the Court of BiH and the ICTY for these crimes.

21 Prosecutor v. Naser Orić, Case no.IT-03-68-T, ICTY. Retrieved from https://www.icty.org/x/cases/oric/tjug/en/ori-jud060630e.pdf

22 Prosecutor v. Naser Orić, Case no.IT-03-68-T, ICTY. Retrieved from https://www.icty.org/x/cases/oric/acjug/en/080703.pdf

23 Information retrieved from the official website of the International Criminal Tribunal for Yugoslavia (accessed 2020, July 25): https://www.icty.org/en

Appendices

Appendix I

Court of BiH Proceedings related to the Srebrenica region

The text written in rows that are *not shaded* refers to all proceedings against Serbs related to the Srebrenica region.

The text written in rows shaded in *light gray* refers to all proceedings against Bosniaks related to the Srebrenica region.

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
1.	Jakovljević, Slobodan	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	40 / 28/ (Second instance sentence abolished 2013) / 20	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
2.	Trifunović, Milenko	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	40 / 33 / idem / 20	Bosniaks / Muslims	Commander of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
3.	Džinić, Brano	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	42 / 32 / idem / 20	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special	Srebrenica (Kravica), 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
									Police Unit	
4.	Radovanović, Aleksandar	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	42 / 32 / idem / 20	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
5.	Medan, Branislav	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	40 / 28 / idem / 20	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
6.	Maksimović, Velibor	Serb	S1 1 K 014263	December 2005	Finished 2008	Article 171 of the Criminal Code of BiH	Acquittal	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the	Srebrenica (Kravica), 1995
									Šekovići Special Police Unit	
7.	Živanović, Dragiša	Serb	S1 1 K 014263	December 2005	Finished 2008	Article 171 of the Criminal Code of BiH	Acquittal	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
8.	Matić, Milovan	Serb	S1 1 K 014263	December 2005	Finished 2008, 2009	Article 171 of the Criminal Code of BiH	Acquittal / first instance sentence confirmed	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Srebrenica (Kravica), 1995
9.	Stupar, Miloš	Serb	X-05/24-3	December 2005	Finished 2008, 2010	Article 171 of the Criminal Code of BiH	40 / Acquittal	Bosniaks / Muslims	Commander of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
10.	Mitrović, Petar	Serb	S1 1 K 014264	December 2005	Finished 2008, 2009, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal	38 / 28 / 20	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the	Srebrenica (Kravica), 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
						Code of Former Yugoslavia			Second Detachment of the Šekovići Special Police Unit	
11.	Stevanović, Miladin	Serb	X-05/24-2	December 2005	Finished 2008, 2009	Article 171 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Special Police Officer of the Third Skelani Platoon, part of the Second Detachment of the Šekovići Special Police Unit	Srebrenica (Kravica), 1995
12.	Janković, Zoran	Serb	X-06/234	November 2006	Finished 2007, 2007	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Zvornik (Snagovo), Kalesija, 1992
13.	Božić, Zdravko	Serb	X-06/236	December 2006	Finished 2008, 2009	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Military Police Officer, member of the RS Army Bratunac Light Infantry Brigade	Srebrenica – Bratunac, 1995
14.	Blagojević, Mladen	Serb	X-06/236	December 2006	Finished 2008, 2009	Article 172 of the Criminal Code of BiH	7 / 7	Bosniaks / Muslims	Military Police Officer, member of the RS Army Bratunac Light Infantry Brigade	Srebrenica – Bratunac, 1995
15.	Zarić, Željko	Serb	X-06/236	December 2006	Finished 2008, 2009	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Military Police Officer, member of the RS Army Bratunac Light Infantry Brigade	Srebrenica – Bratunac, 1995
16.	Živanović, Zoran	Serb	X-06/236	December 2006	Finished 2008, 2009	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Military Police Officer, member of the RS Army Bratunac Light Infantry Brigade	Srebrenica – Bratunac, 1995
17.	Todorović, Mirko	Serb	X-07/382	June 2007	Finished 2008,2009	Article 172 of the Criminal Code of BiH	17 / 13	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Bratunac – Borkovac, 1992
18.	Radić, Miloš	Serb	X-07/382	June 2007	Finished 2008, 2009	Article 172 of the Criminal Code of BiH	17 / 12	Bosniaks / Muslims	Member of the Army of the Republic	Bratunac – Borkovac, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
									of Srpska	
19.	Trbić, Milorad	Serb	S1 1 K 017791	June 2007	Finished 2009, 2010, 2015	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	30 / First instance sentence confirmed / 20	Bosniaks / Muslims	Security Officer of the RS Army Zvornik Brigade	Srebrenica, 1995 (Orahovac, Petkovići, Ročevići)
20.	Lazarević, Sreten	Serb	S1 1 K 018951	October 2007	Finished 2008, 2010, 2015	Article 173 of the Criminal Code of BiH; after the appeal, Article 142 of the Criminal Code of Former Yugoslavia	10 / 9 / 7	Bosniaks / Muslims	Reserve Forces Member at the Zvornik Public Security Station	Zvornik – "Novi izvor", 1992-1993
21.	Stanojević, Dragan	Serb	S1 1 K 018951	October 2007	Finished 2008, 2010, 2015	Article 173 of the Criminal Code of BiH; after the appeal, Article 142 of the Criminal Code of Former Yugoslavia	7 / 7 / 5	Bosniaks / Muslims	Reserve Forces Member at the Zvornik Public Security Station	Zvornik – "Novi izvor", 1992-1993
22.	Ostojić, Slobodan	Serb	S1 1 K 018951	October 2007	Finished 2008, 2010, 2015	Article 173 of the Criminal Code of BiH; after the appeal, Article 142 of the Criminal Code of Former Yugoslavia	5 / 5 /3.5	Bosniaks / Muslims	Reserve Forces Member at the Zvornik Public Security Station	Zvornik – "Novi izvor", 1992-1993
23.	Marković, Mile	Serb	S1 1 K 018951	October 2007	Finished 2008, 2010,	Article 173 of the Criminal Code of BiH	5 / Acquittal	Bosniaks / Muslims	Reserve Forces Member at the Zvornik Public Security Station	Zvornik – "Novi izvor", 1992-1993
24.	Bjelić, Veiz	Bosniak / Muslim	X-07/430-1	November 2007	Finished 2008, guilty plea	Articles 173 and 175 of the Criminal Code of BiH	Six upon guilty plea	Serbs	A prison guard in the "Štala" prison	Vlasenica – Cerska, 1992-1993
25.	Hodžić, Ferid	Bosniak / Muslim	X-07/430	November 2007	Finished 2009, 2010	Articles 173 and 175 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Serbs	Commander of the Vlasenica Municipality Territorial Defense	Vlasenica – Cerska, 1992-1993
26.	Bastah, Predrag	Serb	X-05/122	April 2008	Finished 2010, 2011	Article 172 of the Criminal Code of BiH	22 / 22	Non-Serb	RS MoI Reserve Forces Member of Vlasenica Public Security Services	Vlasenica, 1992
27.	Višković, Goran	Serb	X-05/122	April 2008	Finished 2010, 2011	Article 172 of the Criminal Code of BiH	18 / 18	Non-Serb	Member of the Army of the Republic of Srpska	Vlasenica, 1992
28.	Bašić, Veljko	Serb	X-05/122-1	April 2008	Terminated upon death in 2018	Article 172 of the Criminal Code of BiH	Stay of proceedings ordered in 2011 due to illness, then death	Non-Serb	RS MoI Reserve Forces Member, Warden of the Sušica	Vlasenica, – Sušica camp, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
									camp	
29.	Todorović, Vaso	Serb	X-06/180-1	June 2008	Finished 2008, guilty plea	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of the Criminal Code of BiH	Six upon guilty plea	Bosniaks / Muslims	Special Police Officer of the Second Detachment of the Šekovići Special Police Unit, RS MoI	Srebrenica – Potočari, Sandići, Kravica, 1995
30.	Gavrić, Milisav	Serb	S1 1 K 002827	June 2008	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Deputy Commander of the Srebrenica Police Station, RS MoI	Srebrenica, 1995
31.	Tomić, Zoran	Serb	S1 1 K 006124	August 2008	Finished 2010, 2012,	Article 171 of the Criminal Code of BiH	31 / Acquittal	Bosniaks / Muslims	Special Police Officer of the Second Detachment of the Šekovići Special Police Unit, RS MoI	Srebrenica – Kravica, 1995
32.	Vuković, Radomir	Serb	S1 1 K 006124	September 2008	Finished 2010, 2012, 2015	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	31 / 31 / 20	Bosniaks / Muslims	Special Police Officer of the Second Detachment of the Šekovići Special Police Unit, RS MoI	Srebrenica – Kravica, 1995
33.	Pelemiš, Momir	Serb	S1 1 K 003379	November 2008	Finished 2011, 2013	Article 171 of the Criminal Code of BiH	16 / Acquittal	Bosniaks / Muslims	Deputy Commander and Chief of Staff of the RS Army First Battalion	Srebrenica – Branjevo, 1995
34.	Perić, Slavko	Serb	S1 1 K 003379	November 2008	Finished 2011, 2012	Article 171 of the Criminal Code of BiH; after the complaint, Article 141 of the Criminal Code of Former Yugoslavia	19 / 11	Bosniaks / Muslims	Deputy of the Zvornik Brigade Security Commander	Srebrenica – Branjevo, 1995
35.	Tomić, Ljubo	Serb	X-07/346	April 2009	Finished 2010, 2011	Article 173 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Zvornik – Kozluk, 1992
36.	Josić, Krsto	Serb	X-07/346	April 2009	Finished 2010, 2011	Article 173 of the Criminal Code of BiH	Acquittal / Confirmed	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Zvornik – Kozluk, 1992
37.	Ivanović, Željko	Serb	S1 1 K 003442	June 2009	Finished 2012, 2013, 2014	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal	13 / 24 / 20	Bosniaks / Muslims	Member of the Second Detachment of the Šekovići Special	Srebrenica – Kravica, 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
						Code of Former Yugoslavia			Police Unit	
38.	Stjepanović, Novak*	Serb	S1 1 K 002928	November 2009	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Bratunac Brigade	Bratunac – Borkovac, 1992
39.	Jević, Duško	Serb	S1 1 K 003417	January 2010	Finished 2012, 2013, 2017	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	32 / 32 / 20	Bosniaks / Muslims	Member of the Training Center of the RS MoI Special Brigade	Srebrenica, 1995
40.	Đurić, Mendeljev	Serb	S1 1 K 003417	January 2010	Finished 2012, 2013, 2017	Article 171 of the Criminal Code of BiH; after the appeal, Article 141 of the Criminal Code of Former Yugoslavia	30 / 28 / 20	Bosniaks / Muslims	Commander of the First Company of the RS MoI Special Brigade	Srebrenica, 1995
41.	Marković, Goran	Serb	S1 1 K 003417	January 2010	Finished 2012, 2013	Article 171 of the Criminal Code of BiH	Acquittal / First instance confirmed	Bosniaks / Muslims	Commander of the First Platoon of the Second Company of the Jahorina Training Center, RS MoI	Srebrenica, 1995
42.	Ikonić, Neđo	Serb	S1 1 K 003417	March 2010	Finished 2012, 2013	Article 171 of the Criminal	Acquittal / First instance	Bosniaks / Muslims	Commander of the	Srebrenica, 1995
						Code of BiH	confirmed		Second Company of the Jahorina Training Center, RS MoI	
43.	Boškić, Marko	Serb (Croat)	X-10/928	July 2010	Finished 2010, guilty plea	Article 172 of the Criminal Code of BiH	Ten upon guilty plea	Bosniaks / Muslims	Member of the 10th Sabotage Detachment of the RS Army	Srebrenica – Branjevo, 1995
44.	Kos, Franc	Serb (Slovenian)	S1 1 K 003372	August 2010	Finished 2012, 2013	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of the Criminal Code of BiH	40 / 35	Bosniaks / Muslims	Platoon Commander within the 10th Sabotage Detachment of the RS Army Main Staff	Srebrenica – Branjevo, 1995
45.	Kojić, Stanko	Serb	S1 1 K 003372	August 2010	Finished 2012, 2013	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of the Criminal Code of BiH	43 / 32	Bosniaks / Muslims	Member of the 10th Sabotage Detachment of the RS Army Main Staff	Srebrenica – Branjevo, 1995
46.	Golijan, Vlastimir	Serb	S1 1 K 003372	August 2010	Finished 2012, 2013	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of	19 / 15	Bosniaks / Muslims	Member of the 10th Sabotage Detachment of the RS Army Main	Srebrenica – Branjevo, 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
						the Criminal Code of BiH			Staff	
47.	Goronja, Zoran	Serb	S1 1 K 003372	August 2010	Finished 2012, 2013	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of the Criminal Code of BiH	40 / 30	Bosniaks / Muslims	Member of the 10th Sabotage Detachment of the RS Army Main Staff	Srebrenica – Branjevo, 1995
48.	Ćirković, Milivoje	Serb	X-10/1029	September 2010	Finished 2010, guilty plea	Article 172 of the Criminal Code of BiH	Five upon guilty plea	Bosniaks / Muslims	Member of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
49.	Nešković, Dragan	Serb	S1 1 K 002995	September 2010	Finished 2012, 2013	Article 172 of the Criminal Code of BiH	Acuittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
50.	Ilić, Zoran	Serb	S1 1 K 002995	September 2010	Finished 2012, 2013	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
51.	Crnogorac, Dragan	Serb	S1 1 K 005805	December 2010	Finished 2011, guilty plea	Article 172 of the Criminal Code of BiH	13 upon guilty plea	Bosniaks / Muslims	Member of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica – Sandići, 1995
52.	Kuvelja, Božidar	Serb	S1 1 K 004050	March 2011	Finished 2013, 2013	Article 171 of the Criminal Code of BiH; after the sentence, Article 172 of the Criminal Code of BiH	20 / First instance sentence confirmed	Bosniaks / Muslims	Member of the Second Platoon of the First Company of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica, 1995
53.	Kušić, Zoran	Serb	S1 1 K 004837	March 2011	Finished 2011, guilty plea	Article 172 of the Criminal Code of BiH	Five upon guilty plea	Bosniaks / Muslims	Member of the Jahorina Training Center of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
54.	Grujić, Slobodan	Serb	S1 1 K 008435	December 2011	Finished 2013, 2013	Article 173 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Zvornik, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
55.	Babić, Savo	Serb	S1 1 K 003807	July 2012	Finished 2013, 2015	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Non-Serb	Commander of the Military Police	Bratunac – Vuk Karadžić elementary school, 1995
56.	Milidragović, Nedeljko	Serb	S1 1 K 010287	July 2012.	Inaccessible (trial in Serbia)	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Second Company of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
57.	Golijanin, Aleksa	Serb	S1 1 K 010287	July 2012	Inaccessible (trial in Serbia)	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the First Company of the RS MoI Special Police Brigade	Srebrenica – Kravica, 1995
58.	Radojković, Dejan	Serb	S1 1 K 001091	August 2012	Transferred to the District court in Bijeljina in 2012	Article 173 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Third Platoon of the Second Company of the Jahorina Training Center, RS MoI	Srebrenica, 1995 (Bratunac-Konjević Polje road)
59.	Mlađenović, Najdan	Serb	S1 1 K 009947	August 2012	Finished 2014, 2014	Article 172 of the Criminal Code of BiH; after the sentence, Article 142 of the Criminal Code of Former Yugoslavia	3.5 / First instance sentence confirmed	Non-Serb	Member of the Bratunac Territorial Defense	Bratunac – Hranča, 1992
60.	Živković, Savo	Serb	S1 1 K 009947	August 2012	Finished 2014, 2014	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Non-Serb	Member of the Bratunac Territorial Defense	Bratunac – Hranča, 1992
61.	Stanišić, Ostoja	Serb	S1 1 K 010315	August 2012	Finished 2017, 2017, 2018	Article 171 of the Criminal Code of BiH; after the sentence, Article 141 of the Criminal Code of Former Yugoslavia	11 / 5	Bosniaks / Muslims	Commander of the Sixth Battalion of the Zvornik Brigade	Srebrenica, 1995 (Petkovići, Đulići – Zvornik municipality)
62.	Milošević, Marko	Serb	S1 1 K 010315	August 2012	Finished 2017, 2017	Article 171 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Deputy Commander of the Sixth Battalion of the Zvornik Brigade	Srebrenica, 1995 (Petkovići, Đulići – Zvornik municipality)
63.	Sarić, Goran	Serb	S1 1 K 007949	September 2013	Finished 2018, 2018	Article 171 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Commander of the Special Police Brigade of	Srebrenica, 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
									the RS	
64.	Cvetković, Aleksandar	Serb	S1 1 K 013789	September 2013	Finished 2015, 2016	Article 171 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Member of the 10th Sabotage Detachment of the RS Army Main Staff	Srebrenica – Branjevo, 1995
65.	Josipović, Miodrag	Serb	S1 1 K 017057	October 2014	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Head of the Bratunac Public Security Station	Srebrenica, 1995 (Potočari)
66.	Tešić, Branimir	Serb	S1 1 K 017057	October 2014	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Deputy Commander of the Bratunac Police Station	Srebrenica, 1995 (Potočari)
67.	Bošković, Srećko	Serb	S1 1 K 017133	November 2014	Finished 2015, 2016	Article 173 of the Criminal Code of BiH; after the sentence, Article 142 of the Criminal Code of Former Yugoslavia	10 / 8	Bosniaks / Muslims	Civilian	Zvornik – Đulići, 1995 (site of Crvena brana)
68.	Vasić, Dragomir	Serb	S1 1 K 017057	December 2014	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Zvornik Police Forces Staff	Srebrenica, 1995 (Kozluk, Branjevo, Pilica, etc.)
69.	Zoljić, Danilo	Serb	S1 1 K 017057	December 2014	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Special Police Units	Srebrenica, 1995 (Kozluk, Branjevo, Pilica, etc.)
70.	Pantić, Radomir*	Serb	S1 1 K 017057	December 2014	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the First Company of the Special Police Units	Srebrenica, 1995 (Kozluk, Branjevo, Pilica, etc.)
71.	Milovanović, Radoslav	Serb	S1 1 K 017958	January 2015	Transferred to the District court in Bijeljina in 2015	Article 142 of the Criminal Code of Former Yugoslavia	-	Croats	Member of the Army of the Republic of Srpska	Srebrenica – Sase, 1992
72.	Đorđić, Radivoje	Serb	S1 1 K 018563	February 2015	Terminated - death 2015	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Intervention Police Member	Zvornik – Lokanj, 1992
73.	Maksimović, Goran	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Ugljevik Intervention Police Unit	Zvornik – Lokanj, 1992
74.	Mitrović, Ljiljan	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Lokanj Company of the RS Army Zvornik Brigade	Zvornik – Lokanj, 1992
75.	Perić, Slavko	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Lokanj Company of the RS Army Zvornik	Zvornik – Lokanj, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
									Brigade	
76.	Vujević, Mile	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
77.	Drašković, Vukašin	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
78.	Stevanović, Gojko	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
79.	Manojlović, Mićo	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
80.	Lazarević, Rajo	Serb	S1 1 K 018193	February 2015	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
81.	Popadić, Cvjetko	Serb	S1 1 K 018193	February 2015	Terminated - death 2016	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company	Zvornik – Lokanj, 1992
82.	Maksimović, Dalibor*	Serb	S1 1 K 013906	April 2015	Transferred to Serbia in 2016	Article 173 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Bratunac – Repovac, 1992
83.	Kostjerevac, Adem	Bosniak / Muslim	S1 1 K 018560	April 2015	Main hearing	Article 142 of the Criminal Code of Former Yugoslavia	-	Serbs	Military Police Member of the ABiH Zvornik Muslim Brigade	Zvornik, 1992
84.	Novaković, Jovan	Serb	S1 1 K 018607	April 2015	Transferred to Serbia in 2018	Article 172 of the Criminal Code of BiH	-	Non-Serb	Commander of the Moštanica Company of	Bratunac, 1992 (Suha football
									the Bratunac Territorial Defense	stadium, Vuk Karadžić elementary school)
85.	Orić, Naser	Bosniak / Muslim	S1 1 K 014977	September 2015	Finished 2017, 2018	Article 144 of the Criminal Code of Former Yugoslavia	Acquittal / First instance sentence confirmed	Serbs	Commander of ABiH Forces in Srebrenica	Bratunac, Srebrenica, 1992 (Zalazje, Lolići, Kunjerac)
86.	Muhić, Sabahudin	Bosniak / Muslim	S1 1 K 014977	September 2015	Finished 2017, 2018	Article 144 of the Criminal Code of Former Yugoslavia	Acquittal / First instance sentence confirmed	Serbs	Member of the Army of BiH	Bratunac, Srebrenica, 1992 (Zalazje, Lolići, Kunjerac)
87.	Aćimović, Srećko	Serb	S1 1 K 020200	December 2015	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Second Battalion of the Zvornik Brigade	Srebrenica – Zvornik, 1995 (Kozluk)
88.	Bogdanović, Milan	Serb	S1 1 K 019818	January 2016	Terminated upon death in 2019	Article 172 of the Criminal Code of BiH		Bosniaks / Muslims	Commander of the Sixth Company of the Zvornik Special Police Units	Srebrenica, 1995 (Nova Kasaba, Kušlat)
89.	Janković, Radoslav	Serb	S1 1 K 020442	January 2016	Inaccessible	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Intelligence Officer of the RS Army Main Staff	Srebrenica, 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
90.	Arifović, Izet	Bosniak / Muslim	S1 1 K 020519	March 2016	2018 (first-degree sentence – 10 years), terminated upon death in 2019,	Article 142 of the Criminal Code of Former Yugoslavia	10 / Court proceedings terminated due to death	Serbs	Member of the Army of BiH in Srebrenica	Srebrenica – Zalazje and Ratkovići, 1992
91.	Smajlović, Suad	Bosniak / Muslim	S1 1 K 020519	March 2016	Finished 2018, 2019	Article 142 of the Criminal Code of Former Yugoslavia	(1.2) / 3	Serbs	Member of the Army of BiH in Srebrenica	Srebrenica – Zalazje and Ratkovići, 1992
92.	Salihović, Amir	Bosniak / Muslim	S1 1 K 020519	March 2016	Finished 2018, 2019	Article 142 of the Criminal Code of Former Yugoslavia	Acquittal / Confirmed	Serbs	Member of the Army of BiH in Srebrenica	Srebrenica – Zalazje and Ratkovići, 1992
93.	Marinković, Dragan	Serb	S1 1 K 017741	March 2016	Finished 2016, 2017	Article 172 of the Criminal Code of BiH	8 / First instance sentence confirmed	Bosniaks / Muslims	Member of the Milići Territorial Defense	Milići – Žutica, 1992
94.	Lazić, Vinko	Serb	S1 1 K 020395	September 2016	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Ugljevik Police Station	Zvornik – Lokanj, 1992
95.	Pantić, Radomir*	Serb	S1 1 K 023220	November 2016	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Milići Police Station	Milići – Zaklopača, 1992
96.	Lošić, Nikola	Serb	S1 1 K 023220	November 2016	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Milići – Zaklopača, 1992
97.	Jolović, Branko	Serb	S1 1 K 023220	November 2016	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Milići – Zaklopača, 1992
98.	Milošević, Milomir	Serb	S1 1 K 023220	November 2016	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Police Officer in Milići	Milići – Zaklopača, 1992
99.	Vukotić, Nenad	Serb	S1 1 K 023220	November 2016	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Milići – Zaklopača, 1992
100	Vojvodić, Blagoje	Serb	S1 1 K 025184	November 2016	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Milići – Zaklopača, 1992
101	Bogičević, Čedo	Serb	S1 1 K 025184	November 2016	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Milići – Zaklopača, 1992
102	Kosorić, Svetozar	Serb	S1 1 K 023998	December 2016	Inaccessible	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Head of the Intelligence Department and Member of Staff of the RS Army Drina Corps	Srebrenica, 1995
103	Milovanović, Slavko	Serb	S1 1 K 023868	December 2016	Finished 2019, 2019	Article 172 of the Criminal Code of BiH	Acquittal / First instance sentence confirmed	Bosniaks / Muslims	Reserve Forces Member at the Police Station Skelani	Srebrenica – Skelani, 1992
104	Aćimović, Višnja	Serb	S1 1 K 024299	February 2017	Inaccessible	Article 173 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Vlasenica – Mračni Do, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
105	Cvetković, Saša	Serb	S1 1 K 023242	April 2017	Finished 2019, 2019	Article 142 of the Criminal Code of Former Yugoslavia	12 / First instance sentence confirmed	Bosniaks / Muslims	Civilian	Bratunac, Srebrenica 1992
106	Halilović, Sakib	Bosniak / Muslim	S1 1 K 020147	May 2017	Finished 2019, 2019	Article 173 of the Criminal Code of BiH	Acquittal / Confirmed	Serbs	Commander of the Sabotage Platoon of the Joint Units "Liplje-Kamenica"	Zvornik – Kamenica, 1995 (Bajrići – Novo Selo)
107	Veselji, Elfeta	Bosniak / Muslim	S1 1 K 020147	May 2017	Finished 2019, 2019	Article 173 of the Criminal Code of BiH; after the sentence, Article 142 of the Criminal Code of Former Yugoslavia	10 / 13	Serbs	Member of the Sabotage Platoon of the Joint Units "Liplje-Kamenica"	Zvornik – Kamenica, 1992 (Bajrići – Novo Selo)
108	Stevanović, Bogdan	Serb	S1 1 K 024995	June 2017	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Skeliani Police Station and Member of the Crisis Staff of the Serb Municipality of Skelani	Srebrenica – Skelani, 1992 (Skelani, Rešagići, Gornje Liješće and Donje Liješće, Visošnik – Glumci, Dobrak, Daljegošta, Žabokvice, Peći)
109	Lukić, Gvozden	Serb	S1 1 K 026305	November 2017	Terminated upon death in 2018	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the RS	Milići – Zaklopača, 1992
110	Marković, Miroslav	Serb	S1 1 K 027074	December 2017	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Lokanj Company of the RS Army Zvornik Brigade	Zvornik – Lokanj, 1992
111	Kovač, Tomislav	Serb	S1 1 K 027292	January 2018	Inaccessible	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	RS Deputy Minister of the Interior	Srebrenica, 1995 Žepa
112	Kosorić, Mile	Serb	S1 1 K 027404	January 2018	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the RS Army Vlasenica Brigade	Srebrenica 1995
113	Tešić, Momčilo	Serb	S1 1 K 027404	January 2018	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Military Police Platoon of the Vlasenica Brigade	Srebrenica, 1995
114	Stojišić, Borislav	Serb	S1 1 K 028563	January 2018	Inaccessible	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Vlasenica Brigade	Srebrenica, 1995
115	Drakulić, Rajko	Serb	S1 1 K 028563	January 2018	Inaccessible	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Vlasenica Brigade	Srebrenica, 1995

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
116	Stjepanović, Novak*	Serb	S1 1 K 026153	January 2018	Inaccessible	Article 142 of the Criminal Code of Former Yugoslavia	-	Bosniaks / Muslims	Member of the RS Army Bratunac Brigade	Bratunac, 1992
117	Đurić, Mane	Serb	S1 1 K 033559	February 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Vlasenica Police Station	Vlasenica, 1992-1993
118	Stanić, Radenko	Serb	S1 1 K 024866	February 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Vlasenica Police Station	Vlasenica, 1992-1993
119	Kraljević, Miroslav	Serb	S1 1 K 024866	February 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Vlasenica Special Police Platoon	Vlasenica, 1992-1993
120	Garić, Goran	Serb	S1 1 K 024866	February 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Police Officer in Vlasenica	Vlasenica, 1992-1993
121	Maksimović, Dalibor*	Serb	S1 1 K 027342	March 2018	Transferred to Serbia in 2019	Article 142 of the Criminal Code of Former Yugoslavia	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Zvornik – Karakaj, Glogova, 1992
122	Garić, Rade	Serb	S1 1 K 029228	August 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the Intervention Platoon of the RS Army Vlasenica Brigade	Vlasenica, 1992, Srebrenica, 1995
123	Stupar, Simo	Serb	S1 1 K 030715	November 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Police Officer in Vlasenica	Vlasenica Džamidžići, Alihodžići, Gradina, Sušica Camp, 1992
124	Tešić, Zoran	Serb	S1 1 K 030715	November 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Police Officer in Vlasenica	Vlasenica Džamidžići, Alihodžići, Gradina, Sušica Camp, 1992
125	Tešić, Goran	Serb	S1 1 K 030715	November 2018	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Vlasenica Džamidžići, Alihodžići, Gradina, Sušica Camp, 1992
126	Stupar, Zoran	Serb	S1 1 K 030715	November 2018	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Army of the Republic of Srpska	Vlasenica Džamidžići, Alihodžići, Gradina, Sušica Camp, 1992
127	Tomanić, Cvijan	Serb	S1 1 K 031003	December 2018	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks, Albanians / Muslims	Member of the RS Army Zvornik Brigade	Zvornik, 1992
128	Spasojević, Dušan	Serb	S1 1 K 031053	December 2018	Inaccessible	Article 173 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Malešići Territorial Defense	Zvornik – Jusići, 1992

No.	Name and surname	Nationality	Case number	Date of indictment confirmation	Status of the proceedings	Criminal offense and applicable law	Sentence in years	Nationality of victims	Military rank	Place and year of crime
129	Trišić, Milan	Serb	S1 1 K 034450	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the Bratunac Territorial Defence, later a member of the RS Army Bratunac Brigade	Bratunac, 1992
130	Savčić, Milomir	Serb	S1 1 K 034456	January 2020	Main hearing	Article 171 of the Criminal Code of BiH	-	Bosniaks / Muslims	Commander of the 65th Protective Motorized Regiment of the RS Army	Srebrenica, 1995
131	Radić, Pero	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
132	Vidović, Božo	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
133	Tomić, Petko	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
134	Studen, Branko	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
135	Ristanović, Vlado	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
136	Mijić, Milan	Serb	S1 1 K 034308	January 2020	Main hearing	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992
137	Spasojević, Dušan	Serb	S1 1 K 035144	January 2020	Inaccessible	Article 172 of the Criminal Code of BiH	-	Bosniaks / Muslims	Member of the RS Army Zvornik Brigade	Zvornik – Jusići, 1992

ABiH – Army of Bosnia and Herzegovina
BiH – Bosnia and Herzegovina
MoI – Ministry of the Interior
RS – Republic of Srpska
RS MoI – Republic of Srpska Ministry of the Interior

Criminal Code of Bosnia and Herzegovina
Article 171 – Genocide
Article 172 – Crimes Against Humanity
Article 173 – War Crimes Against Civilians
Article 174 – War Crimes Against the Wounded and Sick
Article 175 – War Crimes Against Prisoners of War

Criminal code of the Socialist Federal Republic of Yugoslavia
Article 141 – Genocide
Article 142 – War Crimes Against Civilians

Appendix II

Genocide, Article 171

Whoever, with an aim to destroy, in whole or in part, a national, ethnical, racial or religious group, orders perpetration or perpetrates any of the following acts:

1. a) Killing members of the group;
2. b) Causing serious bodily or mental harm to members of the group;
3. c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. d) Imposing measures intended to prevent births within the group;
5. e) Forcibly transferring children of the group to another group,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Appendix III

Crimes against humanity, Article172:

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population, with knowledge of such an attack perpetrates any of the following acts:

a) Depriving another person of his life (murder);
b) Extermination;
c) Enslavement;
d) Deportation or forcible transfer of population;
e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
f) Torture;
g) Coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape), sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity;
h) Persecutions against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious or sexual gender or other grounds that are universally recognized as impermissible under international law, in connection with any offence listed in this paragraph of this Code, any offence listed in this Code or any offence falling under the competence of the Court of Bosnia and Herzegovina;
i) Enforced disappearance of persons;
j) The crime of apartheid;
k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to physical or mental health,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(2) For the purpose of paragraph 1 of this Article the following terms shall have the following meanings:

a) *Attack directed against any civilian population* means a course of conduct involving the multiple perpetrations of acts referred to in paragraph 1 of this Article against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.
b) *Extermination* includes the intentional infliction of conditions of life, especially deprivation of access to food and medicines, calculated to bring about the destruction of part of a population.
c) *Enslavement* means the exercise of any or all of the powers attaching to the right of ownership over a person, and includes the exercise of such power in the course of trafficking in persons, in particular women and children.

d) *Deportation or forcible transfer of population* means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

e) *Torture* means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under control of the accused; except that torture shall not include pain or suffering arising only from, or being inherent in or incidental to, lawful sanctions.

f) *Forced pregnancy* means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.

g) *Persecution* means the intentional and severe deprivation of fundamental rights, contrary to international law, by reason of the identity of a group or collectivity.

h) *Enforced disappearance of persons* means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with an aim of removing them from the protection of the law for a prolonged period of time.

i) *The crime of apartheid* means inhumane acts of a character similar to those referred to in paragraph 1 of this Article, perpetrated in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and perpetrated with an aim of maintaining that regime.

Acronym List

Acronym	Definition
ARBIH	Army of the Republic of Bosnia and Herzegovina
BIH	Bosnia and Herzegovina
BIH CC	Bosnia and Herzegovina Criminal Code
EU	European Union
ICTY	International Criminal Tribunal for the former Yugoslavia
NATO	North Atlantic Treaty Organization
SFRY CC	Socialist Federal Republic of Yugoslavia Criminal Code
UN	United Nations
US	United States
VRS	Army of Republika Srpska (Vojska Republike Srpske)

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CHAPTER II

Markus Goldbach

Legal Findings on Srebrenica

Several thousand able-bodied men and children above the age of 12 were killed in the Srebrenica region during July 11- July 19, 1995. In the eyes of many observers, these killings resemble the genocidal crimes committed by the Nazis who systematically separated Jews and other minorities from the rest of the population only to subsequently murder them.

Even prior to this event, observers of the wars of the Balkans discussed whether mass killings and ethnic cleansings in this region, unseen in Europe since the end of World War II, would constitute the crime of genocide. After the ICTY handed down genocide convictions against Serb general Radislav Krstić and later against Mladić and Karadžić, it appeared to be an indisputable fact that the crime of genocide had been committed in Srebrenica.

On closer inspection of the general situation that has led to the events at Srebrenica, however, the *Krstić* decision and the subsequent decisions (that are based on the *Krstić* decision) are not fully convincing. This examination proposes that the Tribunal's application of the genocide convention was incomplete, mainly because the Tribunal has failed to demonstrate that the killings were committed with the special intent to destroy a substantial part of the protected group of all Muslims in Bosnia.

1. Introduction to the Genocide Convention

According to the Oxford Handbook of Genocide Studies, "genocide is unfortunately ubiquitous, all too often literally in the attempted destruction of human groups, but also rhetorically in the form of a word that is at once universally known and widely invoked - perhaps because it is frequently misunderstood."[1]

1 Donald Bloxham and A. Dirk Moses, "Introduction," in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010).

Even though the term "genocide" is universally known, it did not exist before the reign of the Nazi regime. In the year of 1941, Winston Churchill described the Nazi atrocities during the invasion of Russia in the year of 1941 as "a crime without a name." Only in 1944, Polish Jewish lawyer Raphael Lemkin (1900-1959) presented the term "genocide" in his book *Axis Rule in Occupied Europe*, documenting the destruction of national and ethnic groups, including the mass murder of European Jews. He combined the words *geno,* the Greek word for race or tribe, and *cide*, the Latin word meaning killing.

Lemkin defined genocide as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves", "an old practice in its modern development."[2] In 1945, the International Military Tribunal held at Nuremberg, Germany, charged top Nazis with "crimes against humanity." The word "genocide" was part of the indictment as a descriptive, not legal, term.[3]

In its Resolution 96 (I) dated 11 December 1946, the General Assembly of the United Nations declared that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.

Two years later, the Convention on the Prevention and Punishment of the Crime of Genocide was unanimously adopted by the United Nations General Assembly on 9 December 1948 as General Assembly Resolution 260. The Convention entered into force on 12 January 1951. All participating countries are advised to prevent and punish actions of genocide in war and in peacetime.

Article 2 of the convention defines genocide as:

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.

2 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposal for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), 79.

3 *Trials of the Major War Criminals before the International Military Tribunal*, Nuremberg, 14 November 1945 – 1 October 1946 (listing charges in indictment) (Nuremberg: Int'l Mil. Tribunal, 1946-1949), 27-92.

According to that article, genocide contains two constituent elements: the physical element, namely the act perpetrated or *actus reus*, and the mental element, or *mens rea*. The two elements are linked, although analytically distinct. The "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such" is the essential characteristic of genocide, which distinguishes it from other serious crimes.[4]

In regards to the findings of the ICTY, this examination will focus on the meaning of destruction of a substantial part of the group, and second on what constitutes the evidence of the *dolus specialis*.

It will further be question whether the Tribunal's findings on the crime of genocide indicate that a factual genocide occurred. This is relevant because the crime of genocide does not require a result, and courts need not determine whether the actual method was well chosen.[5] In other words: the crime of genocide does not require many killings, but even killings on a mass scale constitute the crime of genocide only if such killings were conducted with the special intention to destroy a substantial physical part of a protected group.

2. Legal analysis: Destruction of a Substantial Part of the Group

2.1. Destruction

The drafters of the Genocide Convention originally included two types of genocide, physical or biological genocide, and cultural genocide. The concept of a cultural genocide was eventually dropped and it was decided to limit the scope of the Convention to the physical or biological destruction of the group.[6]

The term "Causing serious mental harm to members of the group" within the meaning of Article II (b), even if it does not directly concern the physical or biological destruction of members of the group, must be regarded as an act carried out with the intent of achieving the physical or biological destruction of the group, in whole or in part.

The "forcible transfer of children of the group to another group" within the meaning of Article II (e), must also entail the intent to destroy the group physically, in whole or in part,

4 I.C.J. Reports 2007 (I), 121, para. 187.

5 William A. Schabas, "Was Genocide Committed in Bosnia and Herzegovina? First Judgments of the International Criminal Tribunal for the Former Yugoslavia," *Fordham International Law Journal* 25 (2001): 23, 47.

6 United Nations, "Report of the ad hoc Committee on Genocide, 5 April to 10 May 1948," in *Proceedings of the Economic and Social Council*, 7th Session, Supplement No. 6, doc. E/794 (1948). United Nations, *Official Documents of the General Assembly, Part I*, 3rd Session, Sixth Committee, Minutes of the Eighty-Third Meeting, doc. A/C.6/SR.83, 193-207. United Nations, "Report of the International Law Commission on the Work of its Forty-eighth Session, 6 May – 26 July 1996, Official Records of the General Assembly, Fifty-first Session, Supplement No. 10," in *Yearbook of the ILC*, vol. 2, part two, doc. A/51/10 (1996), 45-46, para. 12, quoted by the Court in its 2007 Judgment, I.C.J. Reports 2007 (I), 186, para. 344.

since it can have consequences for the group's capacity to renew itself, and hence to ensure its long-term survival.

2.1.1. Group

Article 4 of the ICTY Statute states that genocide consists of the intentional destruction of a "national, ethnical, racial or religious group."

This has been one of the most controversial aspects of the definition of genocide. Critics have complained about the definition's limited scope and its exclusion of political and other groups, proposed that it be amended to expand its scope or argued that judges should impose a dynamic interpretation upon the provision.[7]

However, when States were given an opportunity to revise the definition at the Rome Conference in June-July 1998, they chose to reaffirm the text adopted by the General Assembly of the United Nations some fifty years earlier.[8]

2.1.2. Substantial Part

It is well established that where a conviction for genocide relies on the intent to destroy a protected group "in part," the part must be a substantial part of that group.

The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole.[9] The same conclusion was reached by the *Sikirica* Trial Chamber: "This part of the definition calls for evidence of an intention to destroy a. . . substantial number relative to the total population of the group."[10]

As these Trial Chambers explained, the substantiality requirement both captures genocide's defining character as a crime of massive proportions and reflects the Convention's concern with the impact the destruction of the targeted part will have on the overall survival of the group.[11]

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7 Lori Lyman Bruun, "Beyond the 1948 Convention - Emerging Principles of Genocide in Customary International Law," *Maryland Journal of International Law* 17, no. 2 (1993): 193, 210-218. Beth Van Schaack, "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot," *Yale Law Journal* 106 (1997): 2259, 2280-2282.

8 United Nations, *Report of the Preparatory Committee on the Establishment of an International Criminal Court: Compilation of Proposals*, U.N. General Assembly Official Records, 51st Session, U.N. doc. A/51/22 (1996), vol. 1, para. 61.

9 United Nations, "Report of the International Law Commission on the Work of its Forty-eighth Session, 6 May – 26 July 1996, Official Records of the General Assembly, Fifty-first Session, Supplement No. 10," in *Yearbook of the ILC*, vol. 2, part two, doc. A/51/10 (1996), 89. Nehemiah Robinson, *The Genocide Convention: A Commentary* (New York: Institute of Jewish Affairs, 1960), 63. U.S. Senate, *Genocide Convention, Report of the Committee on Foreign Relations*, July 18, 1981, 22.

10 *Prosecutor v. Dusko Sikirica, Damir Dosen, Dragan Kolundzija*, Case No. IT-95-8-T, Judgement on Defence Motions to Acquit, 3 September 2001, para. 65.

11 *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 82. *Prosecutor v. Dusko Sikirica, Damir Dosen, Dragan Kolundzija*, Case No. IT-95-8-T, Judgement on Defence Motions to Acquit, 3 September 2001, para. 77.

The Trial Chambers of the ICTR, whose Statute contains an identical definition of the crime of genocide, arrived at the same conclusion. In *Kayishema*, the Trial Chamber concluded, after having canvassed the authorities interpreting the Genocide Convention, that the term "in part" requires the intention to destroy a considerable number of individuals who are part of the group.[12]

The Trial Chambers in *Bagilishema* and *Semanza* refined the definition which stated that the intent to destroy must be, at least, the intent to destroy a substantial part of the group.[13] This interpretation is supported by scholarly opinion.

> The early commentators on the Genocide Convention emphasized that the term "in part" contains a substantiality requirement. Raphael Lemkin, a prominent international criminal lawyer who coined the term "genocide" and was instrumental in the drafting of the Genocide Convention, addressed the issue during the 1950 debate in the United States Senate on the ratification of the Convention. Lemkin explained that "the destruction in part must be of a substantial nature so as to affect the entirety."[14] He further. . . [clarified] that "the Convention applies only to actions undertaken on a mass scale."[15]

Another early commentator, Nehemiah Robinson, echoed this view, explaining that a perpetrator of genocide must possess the intent to destroy a substantial number of individuals constituting the targeted group.[16]

Discussing this requirement, Robinson stressed, as did Lemkin, that "the act must be directed toward the destruction of a *group*," this formulation being the aim of the Convention.[17]

Recent commentators have shared this view. The International Law Commission, charged by the UN General Assembly with the drafting of a comprehensive code of crimes

12 *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-T, Trial Judgement, 21 May 1999, para. 97.

13 *Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20-T, Trial Judgement and Sentence, 15 May 2003, para. 316 ("The intention to destroy must be, at least, to destroy a substantial part of the group") (quoted in *Prosecutor v. Ignace Bagilishema*, Case No. ICTR-95-1A-T, Trial Judgement, 7 June 2001, para. 64). *Prosecutor v. Ignace Bagilishema*, Case No. ICTR-95-1A-T, Trial Judgement, 7 June 2001, para. 64 ("the intention to destroy must target at least a substantial part of the group") (quoted in *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-T, Trial Judgement, 21 May 1999, para. 97). While in *Kayishema* the term "considerable number" was used rather than the term "substantial part," in *Semanza and Bagilishema* it was made clear that there was no intention in *Kayishema* to adopt a different standard with respect to the definition of the term "a part." The standard adopted by the Trial Chambers of the ICTR is therefore consistent with the jurisprudence of this Tribunal.

14 Two *Executive Sessions of the Senate Foreign Relations Committee (Historical Series)*, 4 vols. (Washington, D.C.: U.S. Government Printing Office, 1976), 370. See also *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 82. William A. Schabas, *Genocide in International Law: The Crimes of Crimes* (Cambridge: Cambridge University Press, 2000), 238.

15 Two *Executive Sessions*, 370, quoted in Schabas, *Genocide in International Law*, 238.

16 Robinson, *The Genocide Convention*, 63.

17 Ibid, 58.

prohibited by international law, stated that "the crime of genocide by its very nature requires the intention to destroy at least a substantial part of a particular group.[18]

The same interpretation was adopted earlier by the 1985 report of Benjamin Whitaker, the Special Rapporteur to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.[19]

By a mere look at the numbers, it appears questionable that with the killing of several thousand men a substantial part of the Muslim population of Bosnia has been destroyed. According to the ICTY Demographic Unit, an estimated 69.8% or 25,609 of the civilians killed in the Bosnian war were Muslims (with 42,501 military deaths), with the Serbs suffering 7,480 civilian casualties (15,299 military deaths), the Croats suffering 1,675 civilian casualties (7,183 military deaths), amounting to a total of 104,732 casualties, spread between the Croats (8.5%), Serbs (21.7%), Muslims (65%), and others (4.8%).[20]

Over the course of the whole war in Bosnia, only 1.32 percent of the Muslim was killed. In Srebrenica, less than 0.4 percent of the Muslim population was killed. The percentage of Muslims within the overall population of Bosnia and Herzegovina even grew during the war.

There were roughly double as many military deaths as civilian deaths on both the Serbian side and the Muslim side, while the ratio was even higher on the Croatian side. This clearly speaks against any form of genocide which would require much higher overall death rates and a much higher amount of killed civilians.

2.1.3. Significant Part Instead of Substantial Part?

In recent years, it has been argued that the protected group may be defined qualitatively as well as quantitatively or, in other words, that a "significant" rather than a "substantial" part of the group must be targeted.

18 United Nations, "Report of the International Law Commission on the Work of its Forty-eighth Session, 6 May – 26 July 1996, Official Records of the General Assembly, Fifty-first Session, Supplement No. 10," in *Yearbook of the ILC*, vol. 2, part two, doc. A/51/10 (1996), 89. The Draft Code of Crimes against the Peace and Security of Mankind, adopted by the International Law Commission, contains a prohibition of the offence of genocide substantively similar to the prohibition present in the Genocide Convention. The Draft code is not binding as a matter of international law, but is an authoritative instrument, parts of which may constitute evidence of customary international law, clarify customary rules, or, at the very least, "be indicative of the legal views of eminently qualified publicists representing the major legal systems of the world." *Prosecutor v. Anto Furundzija*, Case No. IT-95-17/1-T, Trial Judgement, 10 December 1998, para. 227.

19 ECOSOC, *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide, Prepared by Mr. B. Whitaker*, U.N. doc. E/CN.4/Sub.2/1985/6, July 2, 1985, para. 29 ("'In part' would seem to imply a reasonably significant number, relative to the total of the group as a whole, or else a significant section of a group, such as its leadership."). See also *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 65 (quoting the report). *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 587 (same).

20 Other databases have slightly different, but in general comparable figures.

This approach to the definition of genocide surfaced in the report of the Commission of Experts established by the Security Council in 1992 to investigate violations of international humanitarian law in the former Yugoslavia.

According to one of its members, Professor Cherif Bassiouni, the Commission considered the definition in the Convention to be "sufficiently pliable to encompass not only the targeting of an entire group, as stated in the convention, but also the targeting of certain segments of a given group, such as the Muslim elite or Muslim women."[21]

The Commission stated:

> If essentially the total leadership of a group is targeted, it could also amount to genocide. Such leadership includes political and administrative leaders, religious leaders, academics and intellectuals, business leaders and others - the totality per se may be a strong indication of genocide regardless of the actual numbers killed. A corroborating argument will be the fate of the rest of the group. The character of the attack on the leadership must be viewed in the context of the fate or what happened to the rest of the group. If a group has its leadership exterminated, and at the same time or in the wake of that, has a relatively large number of the members of the group killed or subjected to other heinous acts, for example deported on a large scale or forced to flee, the cluster of violations ought to be considered in its entirety in order to interpret the provisions of the Convention in a spirit consistent with its purpose.[22]

This view is reflected in the *Krstić* trial decision:

> The intent requirement of genocide under Article 4 of the Statute is therefore satisfied where evidence shows that the alleged perpetrator intended to destroy at least a substantial part of the protected group. The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms, but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial.

21 M. Cherif Bassiouni, "The Commission of Experts Established pursuant to Security Council Resolution 780: Investigating Violations of International Humanitarian Law in the Former Yugoslavia," *Criminal Law Forum* 5 (1994): 279, 323.

22 *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, U.N. Security Council Official Records, U.N. doc. S/1994/674 (1994), para. 94 [hereinafter Expert Report]. The idea that "in part" referred to a "significant part" can be traced to the special rapporteur of the Sub-Commission on Human Rights, Benjamin Whitaker. See ECOSOC, *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide, Prepared by Mr. B. Whitaker*, U.N. doc. E/CN.4/Sub.2/1985/6, July 2, 1985, para. 29.

The Trial Chambers in *Jelisić* and *Sikirica* considered this factor as an independent one, which is sufficient, in and of itself, to meet the requirement of substantiality.[23]

The Trial Chamber in *Jelisić* discussed this approach when it reviewed the arguments of the Prosecutor.[24] According to the Trial Chamber, it might be possible to infer the requisite genocidal intent from the "desired destruction of a more limited number of persons selected for the impact that their disappearance would have upon the survival of the group as such."[25]

Ultimately, it ultimately found it was not possible "to conclude beyond all reasonable doubt that the choice of victims arose from a precise logic to destroy the most representative figures of the Muslim community in Brčko to the point of threatening the survival of that community."[26]

The same scenario of a relatively small numbers of killings in concentration camps appeared in *Sikirica*, but again, the judges could not discern any pattern in the camp killings that suggested the intent to destroy a "significant" part of the local Muslim community so as to threaten its survival.[27]

In this case, the Trial Chamber found that "they do not appear to have been persons with any special significance to their community, except to the extent that some of them were of military age, and therefore could be called up for military service."[28]

The "significant part" approach inevitably leads to speculation about what the killing of one social structure in a community will do to its survival.

But somebody bent upon destroying a group might more logically focus on the children, or the women, as they ensure the group's survival. And this results in value judgments about how important one or another group may be to the survival of the community.

In *Krstić*, the Prosecutor had argued that

> what remains of the Srebrenica community survives in many cases only in the biological sense, nothing more. It's a community in despair; it's a community clinging to memories; it's a community that is lacking leadership; it's a community that's a shadow of what it once was.[29]

23 *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 82. *Prosecutor v. Dusko Sikirica, Damir Dosen, Dragan Kolundzija*, Case No. IT-95-8-T, Judgement on Defence Motions to Acquit, 3 September 2001, para. 65.

24 *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 82.

25 Ibid.

26 Ibid, para. 93

27 *Prosecutor v. Dusko Sikirica, Damir Dosen, Dragan Kolundzija*, Case No. IT-95-8-T, Judgement on Defence Motions to Acquit, 3 September 2001, para. 80.

28 Ibid.

29 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-T, Trial Judgment, 2 August 2001, para. 592.

The trial chamber appeared to accept the Prosecutor's contention that the intent in killing the men and boys of military age was to eliminate the community as a whole. This seems a rather enormous deduction to make on the basis that men and boys of military age were massacred who were either active soldiers or potential enemy fighters.

And yet the alleged intent of the perpetrators – this is really unchallenged in the judgment – was to "ethnically cleanse" the region of Muslims, not to destroy the group in a physical sense. The trial chamber appeared to accept the Prosecutor's contention that the intent in killing the men and boys of military age was to eliminate the community as a whole.

In the words of the scholar William Schabas:

> Can there not be other plausible explanations for the destruction of 7,000 men and boys in Srebrenica? Could they not have been targeted precisely because they were of military age, and thus actual or potential combatants? Would someone truly bent upon the physical destruction of a group, and cold-blooded enough to murder more than 7,000 defenseless men and boys, go to the trouble of organizing transport so that women, children, and the elderly could be evacuated? It is certainly striking that another Trial Chamber, in Sikirica, dismissed the "significant part" argument after noting that the common denominator of the victims was that they were men of military age and nothing more, as if this were insufficient.[30]

The *Krstić* verdict continues:

> Granted, only the men of military age were systematically massacred, but it is significant that these massacres occurred at a time when the forcible transfer of the rest of the Bosnian Muslim population was well under way. The Bosnian Serb forces could not have failed to know, by the time they decided to kill all the men, that this selective destruction of the group would have a lasting impact upon the entire group. Their death precluded any effective attempt by the Bosnian Muslims to recapture the territory. Furthermore, the Bosnian Serb forces had to be aware of the catastrophic impact that the disappearance of two or three generations of men would have on the survival of a traditionally patriarchal society, an impact the Chamber has previously described in detail. The Bosnian Serb forces knew, by the time they decided to kill all of the military aged men, that the combination of those killings with the forcible transfer of the women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica.[31]

And again in the words of William Schabas:

30 *Prosecutor v. Dusko Sikirica, Damir Dosen, Dragan Kolundzija*, Case No. IT-95-8-T, Judgement on Defence Motions to Acquit, 3 September 2001, para. 81, quoted in Schabas, "Was Genocide Committed in Bosnia and Herzegovina?" 46.

31 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-T, Trial Judgment, 2 August 2001, para. 595.

> There is a world of difference between physical destruction of a group and "a lasting impact" upon a community. If the intent of the Serb forces was to have a "lasting impact" on Srebrenica's Muslims, then they did not intend to destroy the community. The classic genocides of the twentieth century, those of European Jews and Rwandan Tutsis, are distinguished by the insistence upon killing the women and children, precisely to ensure that the group is effectively destroyed. But the issue is not whether the massacre of the men and boys of military age was really effective in destroying the Srebrenica Muslims. The crime of genocide does not require a result, and courts need not determine whether the actual method was well chosen. Still, to the extent that the genocidal technique is incomplete and perhaps illogical, this will cast doubts on whether or not real genuine intent was present. As "crimes against humanity," the atrocities of July 1995 in Srebrenica surely qualify. But categorizing them as "genocide" seems to distort the definition unreasonably.

Furthermore, the historical examples of genocide suggest that the area of the perpetrators' activity and control, as well as the possible extent of their reach, should be considered.

Nazi Germany may have intended only to eliminate Jews within Europe alone; that ambition probably did not extend, even at the height of its power, to an undertaking of that enterprise on a global scale (even though the Germans were convinced that the group of "American Jews" would never recover from the loss of their European relatives). Consequently, the elimination of the Tutsi population beyond the country's borders was not gravely contemplated by the perpetrators of Rwanda genocide.[32]

The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can - in combination with other factors - inform the analysis.

In *Krstić*, the chamber argued that for him the population of Srebrenica was the only Muslim community in reach and that this was sufficient:

> Conversely, the killing of all members of the part of a group located within a small geographical area, although resulting in a lesser number of victims, would qualify as genocide if carried out whit the intent to destroy the part of the group as such located in this small geographical area. Indeed, the physical destruction may target only a part of the group of the geographically limited part of the larger group because the perpetrators of the genocide regard the intended destruction as sufficient to annihilate the group as distinct entity in the geographical area at issue.

It appears odd that this reason had been uphold by the *Krstić* appeals chamber, which found that *Krstić* himself lacked the intent to commit genocide and that he was aiding and abetting some higher command:

32 For further discussion see Schabas, *Genocide in International Law*, 235.

> Finally, the ambit of the genocidal enterprise in this case was limited to the area of Srebrenica. While the authority of the VRS Main Staff extended throughout Bosnia, the authority of the Bosnian Serb forces charged with the take-over of Srebrenica did not extend beyond the Central Podrinje region. From the perspective of the Bosnian Serb forces alleged to have had genocidal intent in this case, the Muslims of Srebrenica were the only part of the Bosnian Muslim group within their area of control.

This reason was also – unjustly – part of the argument in the cases against Karadžić and Mladić, who both had control over roughly 70 percent of the territory of Bosnia and therefore could have attacked the Muslim population in Bosnia on a much broader scale.

These considerations show that it is problematic to define the question of a substantial or significant part of a group by the intent and potential reach of the perpetrator. Could the population of Srebrenica have been defined as a substantial part because of Krstić's limited reach, while at the same time not constituting a substantial (yet maybe for other reasons a significant) part in the Mladić case?

Also, even if only a fraction of the overall group was within the reach of the perpetrators, was there any reason to believe that the destruction of such size would have any impact on the overall protected group? This does not sound plausible.

2.1.4. Important Part Instead of Substantial Part?

The Krstić Appeals Chamber made the following approach:

> The size of the Bosnian Muslim population in Srebrenica prior to its capture by the VRS forces in 1995 amounted to approximately forty thousand people. Although this population constituted only a small percentage of the overall Muslim population of Bosnia and Herzegovina at the time, the importance of the Muslim community of Srebrenica is not captured solely by its size. . . Srebrenica (and the surrounding Central Podrinje region) were of immense strategic importance to the Bosnian Serb leadership. Without Srebrenica, the ethnically Serb state of Republica [sic] Srpska they sought to create would remain divided into two disconnected parts, and its access to Serbia proper would be disrupted. The capture and ethnic purification of Srebrenica would therefore severely undermine the military efforts of the Bosnian Muslim state to ensure its viability, a consequence the Muslim leadership fully realized and strove to prevent. Control over the Srebrenica region was consequently essential to the goal of some Bosnian Serb leaders of forming a viable political entity in Bosnia, as well as to the continued survival of the Bosnian Muslim people. Because most of the Muslim inhabitants of the region had, by 1995, sought refuge within the Srebrenica enclave, the elimination of that enclave would have accomplished the goal of purifying the entire region of its Muslim population.
>
> In addition, Srebrenica was important due to its prominence in the eyes of both the Bosnian Muslims and the international community. The town of Srebrenica was the

> most visible of the "safe areas" established by the UN Security Council in Bosnia. By 1995 it had received significant attention in the international media. In its resolution declaring Srebrenica a safe area, the Security Council announced that it "should be free from armed attack or any other hostile act". . . The elimination of the Muslim population of Srebrenica, despite the assurances given by the international community, would serve as a potent example to all Bosnian Muslims of their vulnerability and defenselessness in the face of Serb military forces. The fate of the Bosnian Muslims of Srebrenica would be emblematic of that of all Bosnian Muslims.[33]

2.1.4.1. The Strategic Position of Srebrenica

This argument is even further away from the original meaning of "substantial." While even the description "significant" means that the impact of the destruction of a smaller part of the group would be outweighed by the importance of the affected part for the overall group, now the impact of the destruction of an "important" part of the group or its territory is not necessarily felt by the rest of the group. It is to remember that by definition genocide means the *physical destruction* of a group. By modifying the definition of a substantial group, the gap between a factual genocide and the crime of genocide is widening.

It is clear that the definition of a substantial group given by the chamber of appeals in *Krstić* and the later verdicts does not indicate that a real genocide had happened in Srebrenica. It is moreover demonstrated that the massacre of Srebrenica was aimed at the protected group of all Muslims in Bosnia but did not have any consequences.

Even worse, now the "importance" does not even relate to the respective group of Srebrenica Muslims, but instead to the strategic value of the strip of land that they inhibit.

And even more troubling, the region of Srebrenica and the surrounding Central Podrinje region were not even of strategic importance for the Muslim inhabitants, but for the Serb leadership.

This same problematic approach can be viewed in the second part of the argument, which describes the Srebrenica region as refuge for the Muslim inhabitants of the region. Without this safe area, the region would be "purified" from the Muslim population. This argument fits well under the definition of ethnic cleansing, but does not have any relevance when it comes to the legal definition of genocide.

2.1.4.2. A Potent Example to All Muslims

Here is a connection between the fate of the Muslims of Srebrenica and the protected group of Muslims: the fate of the Muslims of Srebrenica would be emblematic of that of all Muslims in Bosnia Herzegovina.

33 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-A, Appeal Judgment, 19 April 2004, paras. 15-16.

However, it remains unclear in which way such an example would concern the protected group. Would this lead to the destruction of the group?

Or would the group prepare for similar attacks and seek support by the international community? Was not – this is purely a part of the intent – the VRS well aware of an upcoming attack of the HVO and the ARBiH and did not the VRS – in regards to directive 7 – intend to establish a better defense position? All this remains unclear, but the creation of such example would only be of significance had the perpetrators would had any intent to ignite other massacres like the one in Srebrenica. There is no mentioning of such intent in any judgment of the Tribunal. Such intent could also not explain why the massacres were hidden by the VRS.

Therefore, the Commission cannot share the view of the Tribunal that – despite its small size – the population of Srebrenica formed a substantial part of the overall Muslim population of Bosnia and Herzegovina because a) it was of "significant strategic importance to the Serb leadership" or b) because Srebrenica also became a refuge to Muslims from the region, especially when it was designated a UN safe area.

If a massacre is being committed to demonstrate the ultimate fate of a much bigger group, then it needs to be addressed as such.

The description of a "symbolic genocide" or "regional genocide" could be used in such case, given that such a regional event had been committed with the specific intent to destroy such a regional community "as such."

2.2. Intent to Destroy

The body of law settled by the Convention defined the conditions under a genocidal act can exist. The acts specified in Article II, in subparagraphs (a) to (e), are not considered as genocidal acts in themselves, but instead they represent only the physical or material expression of specific, genocidal intent.[34]

In the absence of a direct nexus with genocidal intent, acts enumerated in Article II of the Convention are simply punishable acts falling within the purview of other crimes, exempli causa war crimes or crimes against humanity.

In other words: Genocidal intent is genuine in nature. It is not simply a guilty mind, but a mind guilty of destruction of a religious, ethnic, national or racial group as such. The distinguishing feature of genocidal intent is not that it is discriminatory, because that is only its most general characteristic, one which is shared with, for instance, crimes against humanity.

In the case of genocide, the intent of murder must be accompanied by the singular intent to destroy in part or in whole a group to which the victims belong, whereas in the case of persecution,

34 UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide* (Greca), 9 December 1948.

as act of crime against humanity, discriminatory intent can take numerous inhumane forms and present itself in a variety of actions, including murder.[35]

Thus, what identifies a genocide as a specific crime is the subjective element (*mens rea*) – the intent to dismantle a national, ethical, racial and religious group as a fundamental element that differentiates genocide from other international crimes with which it shares considerably the same objective element.[36]

"Mens rea" in genocide's crime sphere is complicated and must not be comprehended as the standard form of mens rea required for criminal offences. The genocide offence has two different mental components: A general one that could be called "general intent" or "dolus", and an additional "intent to destroy."[37]

"The *mens rea* is the pendant to the *actus reus*, i.e., an act constituting genocide pursuant to Article II (subparas. (a), (b), (c), (d) or (e)). The 'intent to destroy' refers to a protected group as such, the specific intent inherent in genocide."[38]

In terms of degree, the purpose to destroy the group, as *dolus specialis*, is at the very top of the hierarchy of culpable mental states. As such, it excludes *culpa*, *dolus eventualis* (recklessness) or negligence.[39]

In *Prosecutor v. Kambanda* the ICTR Trial Chamber observed: "The crime of genocide is unique because of its element of dolus specialis (special intent) which requires that the crime be committed with the intent 'to destroy in whole or in part, a national, ethnic, racial or religious group as such'." [40]

35 *Prosecutor v. Zoran Kupreskic, Mirjan Kupreskic, Vlatko Kupreskic, Drago Josipovic, Dragan Papic and Vladimir Santic*, Case No. IT-95-16-T, Trial Judgment, 14 January 2000, para. 636.

36 Robinson, *The Genocide Convention*, 15. Pieter N. Drost, *The Crime of State*, vol. 2, *Genocide* (Leyden: A. W. Sythoff, 1959), 82. ECOSOC, *Study of the Question of the Prevention and Punishment of the Crime of Genocide: Study Prepared by Mr. Nicodème Ruhashyankiko, Special Rapporteur*, doc. E/CN.4/Sub.2/416, July 4, 1978, para. 96. ECOSOC, *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide, Prepared by Mr. B. Whitaker*, U.N. doc. E/CN.4/Sub.2/1985/6, July 2, 1985, paras. 38-39.

37 See also United Nations, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General: Pursuant to Security Council Resolution 1564 of 18 September 2004*, January 25, 2005, Annex to Letter Dated 31 January 2005 from the Secretary-General Addressed to the President of the Security Council, doc. S/2005/60, February 1, 2005, para. 491. *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Case No. ICC-02/05-01/09, Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir, 4 March 2009, para. 139. William A. Schabas, "The Jelisić Case and the *Mens Rea* of the Crime of Genocide," *Leiden Journal of International Law* 14, no. 1 (2001): 129. Robert Cryer, "The Definitions of International Crimes in the Al Bashir Arrest Warrant Decision," *Journal of International Criminal Justice* 7, no. 2 (2009): 293.

38 Otto Triffterer, "Genocide, Its Particular Intent to Destroy in Whole or in Part the Group as Such," *Leiden Journal of International Law* 14, no. 2 (2001): 400.

39 Antonio Cassese, "Genocide," in *The Rome Statute of the International Criminal Court: A Commentary*, eds. Antonio Cassese, Paola Gaeta and John R. W. D. Jones, vol. 1 (Oxford: Oxford University Press, 2002), 338.

40 *Prosecutor v. Jean Kambanda*, Case No. ICTR 97-23-S, Judgment and Sentence, 4 September 1998, para. 16.

However, stipulating this intent is, most of the times, a very difficult task for the Judges as well as for the Prosecutor, given that "direct evidence of genocidal intent is not available."[41]

In *Jelisić,* the ICTY Trial Chamber used the expression only once, in what is essentially a concluding paragraph of the December 14 judgment: "The Trial Chamber therefore concludes that it has not been proved beyond all reasonable doubt that the accused was motivated by the dolus specialis of the crime of genocide."[42] In explanation, the Trial Chamber said "he killed arbitrarily rather than with the clear intention to destroy a group."[43]

Perhaps this difficulty encountered in proving the special intent is best described in the words of the ICTR in the *Akayesu* case, when it had to deal with Mr. Akayesu's special intent. Here the Court stated that "intent is a mental factor which is difficult, even impossible, to determine"[44] and, for this reason, "in the absence of a confession from the accused, his intent can be inferred from a certain number of presumptions of fact"[45]

For example, "in time of conflict, where the intention is to defeat the opposing side, it may be difficult to assess whether mass killings are with a genocidal intent or with the intent of winning the war"[46]

In such circumstances, Judges have to "deduce" this intent or lack of intent from all the evidence presented before them by the Prosecutor, the Defense and the Victims.

This "circumstantial evidence" might consist of official documents, actions, witness testimony, attitude towards different situations and even words of the accused person. All of these elements must be balanced with the presumption of innocence of the accused.[47]

> Courts may therefore face the difficult choice between acquittal for lack of evidence of the special intent as normally defined and "squeezing ambiguous fact patterns into the specific intent paradigm."

In contrast, the Tribunal followed a different path in the *Krstić* case and seemingly moved backwards from the act in order to find the fitting intent:

> Intention is a state of mind. It is materialized in the acts committed by that person, sometime after the intention developed in his mind. What the court has to do in a case

41 Robert Cryer, *An Introduction to Criminal Law and Procedure*, 2nd ed. (Cambridge: Cambridge University Press, 2010), 225.
42 *Prosecutor v. Goran Jelisic*, Case No. IT-95-10-T, Trial Judgement, 14 December 1999, para. 108.
43 Ibid.
44 *Prosecutor v. Jean Paul Akayesu*, Case No. ICTR-96-4-T, Judgement, 2 September 1998, para. 523.
45 Ibid.
46 Cryer, *An Introduction*, 224.
47 Tendaiwo Peter Maregere, "Reconciliation, Truth and Justice: Confronting the Dilemmas," *Conflict Trends*, no. 1 (2009): 46, http://www.humansecuritygateway.com/documents/ACCORD_Reconciliation_Truth_Justic e_ConfrontingDilemmas.pdf

> where showing the intent is perhaps more important than the actual resulting acts, is to go backwards; to look at the result and draw the appropriate conclusion regarding the intention behind the result.
>
> The proof of the mental state with respect to the commission of the underlying act can serve as evidence from which the fact-finder may draw the further inference that the accused possessed the specific intent to destroy.[48]

Other chambers of the Tribunal seemingly used these results and thereby relied on the findings from the *Krstić* case:

> In assessing evidence of genocidal intent, a Chamber should consider whether "all of the evidence, taken together, demonstrates a genocidal mental state", instead of considering [pieces of evidence] separately. . . . Factors. . . may include, but are not limited to, the general context, the scale of atrocities, the systematic targeting of victims on account of their membership in a particular group, the repetition of destructive and discriminatory acts, or the existence of a plan or policy.[49]
>
> Factors relevant to this analysis may include. . . whether an accused intended to destroy a protected group through each of the relevant acts of genocide. Where direct evidence of genocidal intent is absent, the intent may still be inferred from all the facts and circumstances. . . Display of intent through public speeches or in meetings may also support an inference as to the requisite specific intent.[50]

For example, the Krstić Trial Chamber found that the destruction of a sizeable number of men would inevitably result in the physical disappearance of the Muslim population in Srebrenica. The Appeals Chamber in that case upheld this finding, stating that

> "[t]he physical destruction of the men therefore had severe procreative implications for the Srebrenica Muslim community, potentially consigning the community to extinction" The *Krstić* Appeals Chamber further held that "[t]he finding that some members of the VRS Main Staff devised the killing of the male prisoners with full knowledge of the detrimental consequences it would have for the physical survival of the Bosnian Muslim community in Srebrenica further supports the Trial Chamber's conclusion that the instigators of that operation had the requisite genocidal intent."[51]

Accordingly, it is the impression of the Commission that the chambers of the Tribunal took a much too narrow of a view on the events that led to the massacres in Srebrenica. There is little to no consideration of all underlying factors.

48 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-A, Appeal Judgment, 19 April 2004, para. 20.
49 *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 550.
50 Ibid.
51 Ibid, para. 552.

Applying well-established rules of treaty interpretation, which only secondarily depend on the drafting history, the *Krstić* chamber could conceivably have paid limited attention to motive and employed a common standard of intent in a genocide determination. In part because the Genocide Convention does not explicitly include motive, the "ordinary meaning" of certain terms in the convention "in light of [the treaty's] object and purpose" is rather imprecise, and the drafting history does not supply definitive guidance. Neither does the ICTY's own jurisprudence. The suggestion in *Jelisić,* for example, to "infer genocide from a number of facts and circumstances" is rather open-ended. However, upon further examination, the chamber's method of reasoning in this case, by excluding considerations of motive, has strange and potentially negative consequences.

To the extent that such results are inconsistent with the aims of the interpretive principles in the Vienna Convention on the Law of Treaties, then the *Krstić* opinions are unsatisfactory, and an alternative, more workable understanding of intent for the crime of genocide must be identified and applied.

3. Surrounding Facts

3.1. Military Conflict

As detailed in the various verdicts of the Tribunal, Srebrenica and the surrounding area in the Central Podrinje Region was of significant strategic importance for the leadership of Republika Srpska. "For the Bosnian Serbs, control of this region was necessary in order to achieve their minimum goal of forming a political entity in Bosnia-Herzegovina."[52] Serb military expert General Radovan Radinović stated in his testimony to the ICTY: "The Serbs realized that. . . [w]ithout the area of Central Podrinje, there would be no Republika Srpska, there would be no territorial integrity of Serb ethnic territories; instead the Serb population would be forced to accept the so-called enclave status in their ethnic territories."[53]

The Assembly of the Serbian People in Bosnia and Herzegovina discussed on May 12, 1992, the "Decision on Strategic Objectives of the Serbian People," which included one objective in relation to the area of Srebrenica, namely, the objective to "establish a corridor in the Drina River valley, that is eliminate the Drina as a border separating Serbian States." This Decision was formally signed by the President of the Assembly of the Serbian People in Bosnia and Herzegovina, Momčilo Krajišnik, in the fall of 1993.[54]

On 19 November 1992, Mladić issued the operational Directive 4, following the advancement of Muslim Groups into Serb-held territory surrounding Srebrenica. Mladić stated

52 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment: Volume III of V (Public with Confidential Annex), 22 November 2017, para. 2321.

53 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-T, Trial Judgment, 2 August 2001, General Radovan Radinovic, Transcript at pages 7812-7813.

54 *Prosecutor v. Vujadin Popovic*, Case No. IT-02-57-I, Indictment, 26 March 2002, item 7.

that the Muslim forces and the HVO intended to "annihilate the Serbs, first in the former BiH and then in the Balkans." In an attempt to prevent that, he launched offensive operations, stating that the aim of all VRS units was to launch offensive operations "to crush large HVO and Muslim groups in the territory of RS and force them into unconditionally surrendering their weapons, or destroy them."[55]

In January 1993, Muslim forces attacked the Serb village of Kravica. At this time, the Srebrenica enclave had reached a size of 900 square kilometers.

Targeting the goals of Directive 4, Mladić ordered, inter alia, a counter offensive by DK forces in the wider area of Podrinje. At his point, Mladić ordered his units to destroy the able-bodied and armed men if they refuse to disarm.[56]

Mladić ordered them to exhaust the enemy, "inflict the heaviest possible losses on them and force them to leave the Birač, Žepa, and Goražde areas with the Muslim population." [57]

The respective unit members were to be informed, prior to taking action, about the "crucial importance" of the operation for accomplishing of the goal of the Serbian people: "the creation and establishment of a Serbian state."[58]

The "squeezing" of the enclave followed the pattern: "A small number of villages were shelled, then after two or three days some infantry, a couple of tanks, and APCs attacked; however by the time of such attacks the civilian population had mostly left due to the previous shelling."[59]

The CIA DCI Interagency Balkan Task Force made the following assessment of the fighting in the Podrinje region:

> The Serbs are eliminating a residual threat in a region where they established overall control long ago. The Muslim forces operating out of several pockets in eastern Bosnia carried out a series of attacks on the Serbs in December and January. They made some significant gains, and – according to Serb claims – committed atrocities before being pushed back. By responding to the December-January attacks with overwhelming force, the Serbs also hope to deter similar attacks elsewhere and convince the Muslims that they cannot hope to achieve military success.[60]

55 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment: Volume III of V (Public with Confidential Annex), 22 November 2017, para. 2323.

56 Glavni štab VRS, Direktiva op. br. 4, strictly conf. no. 02/05-210, November 19, 1992, 5. Archives of the RCIRZ [Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons], Banja Luka, Republika Srpska, Bosnia and Herzegovina.

57 Ibid.

58 Ibid.

59 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment: Volume III of V (Public with Confidential Annex), 22 November 2017, para. 2324.

60 DCI Interagency Balkan Task Force, *Serb War Aims,* March 23, 1993.

3.1.1. Chronology of Attacks on Serb Villages around Srebrenica in the Period between 1992 and 1995

The ARBiH had also inflicted many losses on the Serb civilian population around Srebrenica. There are various examples mentioned by the Commission, which refer to the suffering of the Serb people in the period between 1992 and 1995, as well as to the fact that this suffering had been inflicted willfully so that Serb forces had to be concentrated in that area.

The CIA noted the poor discipline of ARBiH fighters, who "primarily conducted raids against nearby Serb-held towns and VRS rear areas."[61] This often resulted in acts of uninhibited violence and cruelty. It should be mentioned that the ARBiH introduced a considerable amount of African and Asian mujahedeen fighters and well known Islamic terrorists to their ranks and that the ICTY Prosecution noted that "the mere presence and employment in combat of mujahedeen and the EMD during the war in BiH casts serious doubts on the sincerity of the ARBiH's stated goal of maintaining a secular and multi-ethnic Bosnia where all nationalities could live peacefully."[62]

The ARBiH attacks are detailed in the following chronology:

May 7, 1992 – Osmače (an ambush on the Srebrenica-Skelani road)**.** The persecution of the Serbian people continued with the setting up of organized ambushes in Osmače and near Stari Grad, where in total 10 people were killed in the attacks. The next day, Goran Zekić, a member of the BiH Assembly, was killed in an ambush in Vidikovac near Srebrenica. These events only hinted at the subsequent collective suffering of Serbs in the territory of the Srebrenica municipality during 1992 and 1993.

May 15, 1992 – Međe. The Međe village was attacked in the morning from the direction of the Karangaj forest by members of Srebrenica TD from the surrounding Muslim villages of Osmače, Greben and Karačići. Seven persons of Serb nationality perished in this attack. In addition to the dead Serbs, ten more were captured and taken to the neighboring Muslim village of Greben and from there to the Srebrenica prison (former TD building) behind the building of the Basic Court. Ljubica Gagić, subjected to intolerable physical torture, who was also taken to the Srebrenica prison detention center after this armed attack, committed suicide by drinking acetic acid.

June 21, 1992 – Ratkovići. On Sunday, June 21, 1992 around 05.00, units of the Muslim Armed Forces of Srebrenica from Poznanovići, Dedići, Potkorijen, Osmače, Moćevići and Stožersko villages attacked the Ratkovići village and Dučić, Dvorište, Račice and Polimci hamlets. The attackers first surrounded the village by firing artillery and then infantry weapons. In a well-planned, organized and systematic attack, 18 people of Serbian nationality were killed.

61 DCI Interagency Balkan Task Force, *The Bosnian Army in Srebrenica: What Happened?* July 18, 1995.

62 *Prosecutor v. Rasim Delic*, Case No. IT-04-83-T, Prosecution's Final Trial Brief (public redacted version), 13 June 2008, para. 15.

June 30, 1992 – Brežani. The security situation for the Serb population in this village was especially worsening after several armed ambushes on the Srebrenica-Skelani road, as well as the attack in Podosmače on May 7, 1992, in which ten people died. After this event, more precisely since June 20, 1992, the Muslims completely blocked the Brežani village, in which about 40 people remained, 7 of them women and 15 elderly persons who did not want to leave the village. Before sunrise, around 04.50, several mortar shells were fired from the direction of Osmače on the village that was previously surrounded from all sides, and then an attack was carried out from the same direction and from the direction of Srebrenica with the use of infantry weapons. The attack lasted until 10.00, and some surviving village defenders managed to get through the forest to Fakovići village. A group of villagers succeeded to flee to the Spat village through Pribićevac, while the other smaller group fled to Podravanje. The village was completely burned down by the Muslims and completely looted (including here, inter alia, elementary school and local community buildings) and the tombstones in the cemetery were desecrated. In this attack, 19 persons of Serb nationality were killed.

July 5, 1992 – Krnjići. In the afternoon, around 14.40, this village was attacked by units of Muslim armed forces from Tokoljak village and Katanići, Radovčići and Mošići hamlets. The attack was preceded by an ambush near Radovčići village on July 3, 1992, when a civilian Nedeljko Simić was killed on a tractor, and Dragan Jovanović and Stanimir Mićić were wounded. According to the testimonies, in the residential part of the elementary school, a disabled, retired village teacher Vaso Parača was burnt alive. The surviving Serb population saved themselves by fleeing through the villages of Cosići and Kostolomci to Skelani, after which all houses, as well as auxiliary and mansion buildings in the village were burned, including the buildings of the old and new elementary schools, and the premises of the agricultural cooperative. Movable property was looted, the church demolished and devastated. The autopsy of the corpses was not carried out because the security opportunities did not allow this. After this attack, during the period of about half a year, the families of the perished left for the village to recover their bodies, after which they buried them in several different locations. In this attack, 19 persons of Serb nationality were killed.

July 12, 1992 – Zalazje. After the first attack that had taken place on June 8, 1992, on the Serbian Orthodox feast day of Saints Peter and Paul (Petrovdan), July 12, 1992, at 09.30, members of the Army of BiH Srebrenica TD carried out another planned, organized and systematic attack on the Zalazje hamlet and the neighboring hamlets of Radonjići and Azlići. The village was attacked from several directions. A large number of villagers and village defenders perished. The village was completely burned down, and the property was looted. In this attack, 45 people of Serb nationality were killed.

September 24, 1992 – Podravanje. An attack was carried out at around 08.30 by units of Srebrenica TD Muslim armed forces from the direction of Kutuzer, Bijelo Polje, Bučje and Palež (villages in Srebrenica municipality), and the Đile village, Vlasenica municipality.

At the time of the attack, there were also a number of Serb refugees from the territory of Srebrenica municipality in the village. The attack on the village lasted almost the whole day. Defenders of the village, realizing that they were slowly losing the battle against the Muslim forces, started withdrawing towards the Gunjaci mine, in the direction of the Milići municipality. Beside the 73 houses that were in the village in total, the elementary school, the Cultural Center, a shop, a craft shop and the administrative building of the "Šumarnica" surface mine were burnt down in the village, as was the mechanization owned by "Boksit" PLC, Milići. In this attack, 31 persons of Serb nationality were killed.

January 7, 1993 – Kravica. Muslim units from Srebrenica launched an attack on the village of Kravica and the villages that gravitate towards the Kravica MZ on Orthodox Christmas, a major holiday. Per estimates, 3,000-4,000 Muslim soldiers participated in the attack, and only several hundred inhabitants of Kravica and the surrounding villages defended it. 51 Serbs were killed in the attack, and one was captured.

January 16, 1993 – Skelani. On January 16, 1993, around 05.00, units of the Muslim Armed Forces of Srebrenica attacked the Skelani area. The attack was launched from several directions and directed towards Kostolomci and the hamlets of Kusići and Cosići, then towards Žabokovica and the Kalimanici hamlet, as well as towards the center of the Skelani settlement. By evening, the Muslims had occupied almost the entire area. The civilian Serb population in this area was surrounded from all sides, and under pressure was expelled in the direction of Bajina Bašta in Serbia (the only way out was across the bridge on the Drina River). Those who did not manage to cross the river were killed in the villages, while some of them were captured and taken to a prison in Srebrenica. Sniper rifles were firing at the bridge over the Drina, across which the civilians were fleeing to Serbia. The civilians who were trying to save themselves by swimming across the Drina were also killed by sniper fire. The youngest victims of this attack were the five-year-old Aleksandar Dimitrijević and his 12-year-old brother, Radisav, who were killed while crossing the bridge leading to Bajina Bašta, and the 16-year-old Mićo Ristić from the Kusići village, who is still considered to be missing. A large number of Serbs were captured in the attack by Muslim armed units on Skelani and were subsequently taken to the detention facilities of the Srebrenica PSS prison and the former TD building in Srebrenica. In this attack, 57 persons of Serbian nationality were killed.

The ARBiH 8th Operations Group which operated in the Srebrenica region had up to 6,000 soldiers by the end of 1992.[63] In early 1995, the ARBiH 2nd Corps had a Corps Command and 5 divisions (the 21st, 22nd, 24th, 25th and 28th), which consisted of motorized and light infantry brigades, as well as combat and logistics support units. The 28th division (Srebrenica) had six brigades and one independent mountain battalion.[64]

63 *Balkan Battlegrounds: A Military History of Yugoslav Conflict, 1990-1995,* vol. 2 (Washington, D.C.: Central Intelligence Agency, 2003), 336.

64 Dominique Delawarde and Viktor Bezruchenko, "Military Analysis of Srebrenica Region Events 1992-1995" (unpublished manuscript, 2020), Archives of the Republika Srpska Center for Research of

3.1.2. Issuance of Directives No. 7 and 7/1

General Mladić issued the strictly confidential "Directive for Further Operations, Operative No. 7" ("Directive 7") on 8th March of 1995, which examined the military and political situation following the COHA.[65] In Directive No. 7 it was ordered that the DK carry out the "complete physical separation of Srebrenica and Žepa. . . as soon as possible, preventing even communication between individuals in the two enclaves", and "by planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa." Further in the Directive it was stated that in case UNPROFOR forces should leave Žepa and Srebrenica, the DK Command would "plan an operation named Jadar with the task of breaking up and destroying the Muslims forces in these enclaves and definitively liberating the Drina valley region."[66]

3.1.3. Context and Content of Directive No. 7

The leaders of the VRS noticed, according to Richard Butler, as early as March 1995 that by the end of the year they had to either set the stages for a negotiated settlement favorable to them or end the conflict through military means.[67] Evidence indicated that the Croat-Muslim alliance would stop obeying the then cease-fire, and that the alliance was preparing for various major offensives against Republika Srpska and the Republic of Serb Krajina.[68] Accoridng to Butler, Directive No. 7 reflected this assessment.[69]

Butler further testified that

> in Directive no. 7, the Supreme Command of the VRS outlined the four main priorities of the armed forces for the upcoming period: (i) through resolute offensive and defensive military operations, impose a military situation which the international community would be compelled to accept; (ii) improve the, operational and strategic position of the VRS; (iii) reduce the front-line, and create conditions for the economic revival of the Bosnian-Serb Republic by sending a number of military conscripts home; and (iv) create the conditions for the state and political leadership to negotiate a peace agreement and accomplish the strategic objectives of the war.[70]

War and War Crimes and the Tracing of Missing Persons, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

65 *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 4983.

66 Vrhovna komanda Oružanih snaga Republike Srpske, Direktiva za dalja dejstva, Operativa br. 7, no. 2/2-11, March 8, 1995, 10-11. Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

67 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment: Volume III of V (Public with Confidential Annex), 22 November 2017, para. 2367

68 Ibid.

69 Ibid.

70 Ibid, para. 2368.

3.1.4. Conclusion

There was a lasting plan of the Serb leadership to take control over the enclave and the surrounding area of Srebrenica. This had started in the year 1992 and is a logical conclusion of the fact that the area is of mayor military importance because it connects the Serb territories inside Bosnia. It has been demonstrated that the Serb forces had to be in control of the area that was held by the armed ARBiH battalions. There was a constant threat of the troops under Naser Orić. These troops did not only achieve military gains but also committed war crimes against the population of Serb villages.

The Directives 7 and 7/1 were made because of a looming attack of Croat and Bosnian forces which had in fact materialized in the form of the Operation Oluja during which the Serb army had lost huge parts of former held territory.

After all, it becomes clear that the attack on the enclave was based on a military necessity. The demonstrated method of shelling small villages to have the civilians leave that area before a major attack takes place also indicates that there was no intent to capture and kill the Muslims in general.

Having a truly demilitarized enclave under UN protection would have been fitting for the purpose of the Serb military leadership to engage the military troops elsewhere and not attack the town of Srebrenica and the UN troops.

3. 2. Peace Negotiations

The idea of uniting three republics, one with a Bosniak majority, one with a Croat majority and one with a Serb majority, had been argued for since 1993 (Vance-Owen-Plan/ Owen-Stoltenberg Peace Plan).[71] As stated by the UN, the Serbs supported the plan in principle, but were opposed to the arrangements for Srebrenica and Žepa, which they wanted to be in the Serb-majority region for strategic reasons. The Serbs proposed an exchange of territories with the Bosniak leadership. According to this plan, in return for certain Serb-controlled territories around Sarajevo being included in the Bosniak-majority republic[72], Srebrenica and Žepa would be ceded to the Serb-majority republic. On 28 and 29 September 1993, representatives of the Bosniak community debated this proposal with a delegation of Bosniaks from Srebrenica who opposed the idea. Afterwards, the Bosniak Assembly met in full session and voted not to accept such an agreement and called for the return of all territories taken by force.[73] A subsequent peace plan[74] once again had Srebrenica and Žepa included in the territory with the Bosniak majority. Ultimately, the deliberations collapsed in January 1994.[75]

71 United Nations General Assembly, *Report of the Secretary General pursuant to General Assembly Resolution 53/35*, 54th session, Agenda item 42, November 15, 1999.
72 Ibid.
73 Steven L. Burg and Paul S. Shoup, *Ethnic Conflict and International Intervention* (Armonk: M. E. Sharpe, 1999), 277.
74 Ibid. European Union Action Plan.
75 Ibid.

3.2.1. Conclusion

The peace talks demonstrate the will of the Serb leadership to exchange some territory for the territory of Srebrenica and Žepa. This is another part which shows the intent not to destroy the people of Srebrenica, but instead to offer them other territories close to Sarajevo. There is no indication that would point out to any intent to destroy the population of Srebrenica in any physical sense.

3. 3. The Military Attack on Srebrenica

The operational objective of the "Krivaja-95" operation was stated in the operational documents of the VRS Drina Corps Command: "completely separate and reduce the Srebrenica and Žepa enclaves with a surprise strike, improve tactical positions of the forces deep inside the zone, reduce the borders of the Srebrenica enclave to the urban part of the town and create conditions to eliminate the enclaves."

Paragraph 4 of the VRS Drina Corps Order, dated 2 July 1995, shows the limited scope of this operation, presenting the operations outside of the town of Srebrenica.[76] The ARBiH 28th Division attempted a breakthrough from the encirclement that was not forecasted by the Drina Corps. The attacking VRS Drina Corps units included only 4,000 soldiers.[77] This is less than half the amount of the ARBiH soldiers and their reserve inside of Srebrenica.

The VRS Command decided to expand the operations only during the night of 9 to 10 of July 1995, in order to take Srebrenica town and "totally demilitarize the Srebrenica enclave."[78]

On July 10, the Srebrenica War Presidency and the Command of the 28th Division initially received an order from ARBiH Prime Minister Haris Silijdžić not to surrender and to fight "until the last bullet." Silajdžić also promised that "help would come."

However, according to the testimony of Swedish diplomat Carl Bildt, this order was overruled by the follow-up order of the Sarajevo commanders "not to defend Srebrenica, but to try to break through in the direction of the Tuzla area with their soldiers, their men and the military and political leadership. The women and children were to be left to the protection and evacuation by the UN."[79]

76 Delawarde and Bezruchenko, "Military Analysis," 113, 163, Archives of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons.
77 Ibid, 114, 115.
78 Glavni štab VRS, Izvođenje borbenih dejstava oko Srebrenice, strictly conf. no. 12/46-501/95, July 9, 1995, 1, para. 2. Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
79 Carl Bildt, *Peace Journey: The struggle for Peace in Bosnia* (London: Weidenfeld & Nicolson, 1998), 57, 120.

3.3.1. Conclusion

The military plan demonstrates that the Serb leadership had no initial plan to take over the town of Srebrenica, but to make living conditions unbearable and thereby force an exit from the population under surveillance of the UN. This means that no plan to execute all able-bodied men could have existed before July 10, 1995.

3. 4. Mladić's Ultimatum of July 11 and July 12, 1995

As stated above, in his Directive 4, dated November 19, 1992, General Mladić had ordered his units to offer the disarming of able-bodied and armed men, and if they refuse, to destroy them.[80]

On recordings taken during Mladić's meetings with officers of the UNPROFOR Dutch Battalion and representatives of Srebrenica Muslims held in the Fontana Hotel in Bratunac on July 11 and 12, 1995, Mladić said that he guarantees that all those who surrender weapons will survive and that he wants to help the civilian population, which is not the target. In order to make a decision, on July 11 Mladić invited Muslim representatives to respond by the following morning. You can either survive or disappear, Mladić told Srebrenica Muslims at the second meeting held in the morning on July 12. He pointed out that, for survival, it was necessary for all their soldiers to surrender weapons, because there is no need for them to die.

It appears that there is a possibility that Mladić's words referred to the members of the 28th Division of the Army of Bosnia and Herzegovina, as well as civilians, who had not surrendered to the VRS, but instead continued their breakthrough towards Tuzla through the woods, given that such choice had already been mentioned in his Directive 4 of November 19, 1992.

3.4.1. Conclusion

The contents of Directive 4 as well as the contents of Mladić's recorded statements provide proof that Mladić had not planned to kill the able-bodied men in Srebrenica unconditionally. By the logic of the ultimatum Mladić had given to the Muslim representatives at the meeting, the killing of the members of the column would have been ordered later during the day of July 12, as the members of the column had not surrendered.

This would indicate that Mladić considered the column a military target. He would have decided to commit a war crime and/or murder by having captured or surrendered soldiers and/ or civilians murdered. On the other hand, given the many offers to enable a free passage for the fleeing members of the columns, it might as well have been a trick performed so as to get hands on all able-bodied men more quickly.

80 Glavni štab VRS, Direktiva op. br. 4, strictly conf. no. 02/05-210, November 19, 1992, 5. Archives of the RCIRZ.

3. 5. The Military Column

The formation of the military column and its later fate is detailed in the military analysis of the Srebrenica Region events between 1992 and 1995 performed by General Dominique Delawarde and Colonel Viktor Bezruchenko[81] as well as in the chapter dedicated to the criminal investigation conducted by General Adenrele Shinaba. Similar descriptions can be found in various ICTY witness statements.

According to these investigations and verdicts, the column was formed by about 7,000 soldiers and officers of the ARBiH 28th division, up to 6,000 reserve members who were mobilized to join the 28th Division and a number of civilians, some of whom were women. Some soldiers were unarmed, some civilians were armed.

It was not possible for the VRS to distinguish between civilians and soldiers. Therefore, the classification of the column by the VRS as a military column is to be supported.

The military confrontation with the column also demonstrates that there were strong military elements within the column. For military reasons, a corridor needed to be opened because the military forces of the VRS were not numerous enough to withstand the column's attacks.

3.5.1. Conclusion

An intention to kill all able-bodied civilian men from Srebrenica cannot be found in relation to attacks on the column. Moreover, it appears that the column embodies the military threat that was seen before in the presence of the 28th Division in Srebrenica.

Furthermore, the large number of the members of the column indicates clearly that the column did not consist only of able-bodied inhabitants of Srebrenica.

It included a large number of fighters from the 28th Division as well as of foreign Islamic fighters who had no ethnic roots in that area. An attack on these military figures would not have had any impact on the population of Srebrenica.

There is no indication that the attacks on the column have not been justified under international law or that they had any other intention than to reduce a military threat during a military conflict.

3. 6. Number of People Killed

The report of the Commission's forensic team states the total number of persons found in mass graves (as specified in the chapter dedicated to the report of the Commission's forensic team) was as follows: 565 identified individuals found in all non-robbed primary mass

81 Delawarde and Bezruchenko, "Military Analysis," 119, 163, Archives of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons.

graves, 1,207 individuals found intact in robbed primary mass graves, 4,213 individuals identified in all secondary mass graves (with 386 DNA linkages with primary graves, which is why this number is subtracted from the overall number of individuals found in secondary mass graves), and at least 1,047 individuals found as surface remains or in small/individual graves, while 130 individual remains have unique DNA profiles which are not matched to any person from the lists of the missing and approximately another 1,000 persons have not yet been DNA identified and are still listed as missing.

This generates a total of up to 7,776 bodies. Furthermore, there are indications that at least 2,055 individuals, out of 4,213 those found in secondary graves, came from alternative contexts, other than mass execution. When this number of individuals is added to the minimum of 1,047 individuals found as surface remains or in small group/individual graves, the total of individuals who were not executed comes to at least 3,102.

These figures sound plausible because of the many days of shelling and shooting as well as the military confrontations with the Serb forces. These figures also appear to be in range with the figures of the ICTY and the UN.

The number of people killed at Potočari adds up to between 700 and 1,000 men. This figure is included in the numbers shown above. There are several reports about the number of men on the compound.

There are several witness reports that even after the capturing of the members of the column, boys under the age of 14 were released because they did not represent a military threat.

3.6.1. Conclusion

From a legal perspective, the exact ratio between people killed during the escape of the column and those captured and executed is of no interest. Nevertheless, the large number of people killed in the fighting creates the picture of a dynamic confrontation of the VRS soldiers with the column.

On this account, it is quite plausible that some of the 200 members of the column that were not able-bodied (see Commission member Adenrele Shinaba's criminal investigation chapter) were killed during the fighting or that these individuals were killed in an unrelated context.

This is important because the Tribunal negated the possibility that the killings of the able-bodied men of Srebrenica had been conducted in order to seize advantage in the military confrontation with the enemy forces on the ground. The Tribunal pointed out that there were persons in the mass graves that had not been in condition to fight.

As a large number of people had been killed during the fighting and the prisoners were killed only hours or days later, there is a strong connection between the killings during the military confrontation and the following executions.

As it was not possible for the VRS forces to distinguish between military and civilian members of the column, it may be assumed that the able-bodied men dressed in civilian clothing were seen as a reserve of the active military personnel by the Serb forces.

Therefore, it cannot be established without a doubt that there was a special intention to kill the war prisoners as part of the Srebrenica community.

3. 7. Reactions of the International Community to the Plan to Attack Srebrenica

The International Community had known about the attack on the enclave in advance. On the same day when Directive 7 was issued, March 8, 1995, "Mladić met the British General Rupert Smith, the head of UN peacekeeping in Bosnia, at the Hotel Panorama in 'cleansed' Vlasenica. According to Smith's military adviser, Lt Colonel James Baxter, 'Mladić took out the map and drew a scratch over each of the enclaves'."

During March, according to General Manfred Eisele, the head of military planning at the UN peacekeeping department, the department and the Netherlands pushed for reinforcements for Dutch troops in Srebrenica. He stated that the plan was rejected by the US, on grounds that the enclaves were "untenable" and US helicopters would be used to transport the reinforcements.[82]

On May 19, the US policy-making Principals Committee met and expressed its views that: "'The only realistic option is to seek Allied support for an UNPROFOR pull-back from vulnerable positions' – ergo, the safe areas – 'coupled with more robust enforcement of the remaining mandate, including NATO air strikes.'"[83]

Neither the leadership of the Muslims nor the International Community showed any interest to help or support the endangered Muslim community in Srebrenica in the months prior to the attack on the enclave. In April 1995, the presidency of the Muslims summoned 15 military commanders from Srebrenica to the government-controlled town of Tuzla, forbidding them to return.

At this point, it was already clear that the living conditions were deteriorating and that a major attack on the enclave may be well under way. Furthermore, the Bosniak leadership had not made any use of the various offers from the Serb side as well as the international negotiators to exchange territory or to transport the population of Srebrenica to safety.

French general Bernard Janvier, overall commander of UN troops on the ground, told the security council member states on 24 May that: "The enclaves are indefensible, and the status quo untenable." He said UN troops were too vulnerable in the safe areas, and should either be reinforced, or withdrawn to make way for air strikes.

82 Florence Hartmann and Ed Vulliamy, "How Britain and the US Decided to Abandon Srebrenica to Its Fate," *The Guardian*, July 4, 2015, https://www.theguardian.com/world/2015/jul/04/how-britain-and-us-abandoned-srebrenica-massacre-1995

83 Hartmann and Vulliamy, "How Britain and the US Decided to Abandon Srebrenica."

On 28 May, according to the declassified US national security archive, the Principals Committee formalized a decision, apparently made during the phone call, "to suspend the use of NATO air strikes against the Serbs for the foreseeable future."

Lake, in a memo to the president, outlined the need for secrecy: "Privately we will accept a pause on further air strikes but make no public statement to that effect."

"The intelligence services of at least two of the five permanent members of the UN security council knew already at the beginning of June 1995 – a month and a half before the attack – that the Serbs intended to capture, in the coming weeks, the three Eastern enclaves – meaning Srebrenica, Žepa and Goražde," Voorhoeve says. "These two big countries had advance knowledge of the Serbian battle plans and did not share it with the Netherlands." *The Observer*, a British newspaper, independently verified this and the two countries were the US and the UK.

Also on 8 July, Akashi and Generals Smith and Janvier met at the UN headquarters in Geneva. Smith was told to return to his holiday on the Croatian island of Korčula while Akashi, the only man in the Balkans with authority to order air strikes, went to Dubrovnik for a two-day break. Even during the unfolding massacres, which were discovered as early as on July 13, there was only little protest from the United Nations or the US. On July 14, during a meeting with General Mladić, Swedish UN representative Carl Bildt and French General Bertrand de la Presle only expressed vague concerns about the captured Muslims in Bratunac and asked for "something to be done" over the weekend.

Even though it became clear as early as July 13 that able-bodied men had been separated from their families in Potočari and that captured soldiers and civilians from the column were summarily executed, the world stayed silent.

3.7.1. Conclusion

The fall of Srebrenica had been anticipated for months by the nations engaged in the conflict as well as the United Nations. It became obvious to the leadership of the Serbs that no one from the United Nations saw the population of Srebrenica as a substantial part of the Muslim population in Bosnia and Herzegovina or felt obliged to protect the enclave any further. Even the leadership of the Muslims had pulled the military command from the town, demonstrating that it would not seek to defend the enclave.

For the Serb leadership as well as for the later organizers of the massacres, this could have only created the impression that the enclave of Srebrenica was of no substantial importance for the main group of the Muslims.

4. Conclusion Regarding the Intent

After evaluating the facts surrounding the massacre, a special intent to destroy the population of Srebrenica as such cannot be found. No special intent to destroy the overall population of the Muslims is visible. Killing the able-bodied men of Srebrenica would have granted no general advantage to the Serb leadership as it expected the territory of the enclave annexed to the territory of Republika Srpska during the ongoing peace negotiations. This would have hindered the Muslim population from moving back to Srebrenica anyway, even in the case that the able-bodied men from the enclave were unharmed. The large number of members of the column further indicates that there were many fighters from areas other than Srebrenica, thus the column does not represent the group of able bodied men of Srebrenica.

Furthermore, it is an established fact there was no such directive to kill all captured Muslims until July 12, 1995. The chambers of the Tribunal are convinced that on the next day such directive must have been given.

This strongly correlates with the ultimatum from General Mladić, who had stated that in order for them to survive, it was necessary "for all soldiers to surrender weapons, because there is no need for them to die." The practice of giving an ultimatum to either surrender or be destroyed can be followed back to the content of Directive 4, which was issued by Mladić as early as in November 1992.

The logic which suggests that Mladić ordered the killings as a consequence for refusing to give in to his ultimatum is striking. This consideration should not indicate however, that the soldiers who had surrendered would be released soon after, because they would still pose a military threat and, therefore, would most likely have been captured under hard conditions. It also seems likely that some or even many of the prisoners would have been tortured or killed. The inhumane treatment of prisoners was part of the indictment against Mladić and Karadžić, but genocidal intent was not proven. It also cannot be ruled out that the members of the column would have been executed anyway but there is at least no indication that Mladić disobeyed any of the things he had stated in other ultimatums in the years before.

As the intent to destroy a substantial part of the protected group of Muslims stands in question, there is no indication that the population of Srebrenica either symbolizes such a part or that it was that part in itself.

The International Community had already given up on the enclave of Srebrenica in the months preceding the military attack. There had been no efforts to save the civilian population and only the military leadership of the 28th Division was ordered to move from Srebrenica to safety. This must have indicated to the Serb leadership that the fate of the population of Srebrenica was of no major importance for the overall group of Muslims. Even though at that point the International Community could not have foreseen the massacre against the able-bodied men, as the entire population of Srebrenica was not considered to be a substantial part of the Muslim population in general, this could not have changed the fact that all able-bodied men were later executed or died in combat.

The process of the execution of the captured members of the column further indicates that only boys above the age of 12 and, therefore, able-bodied persons were targeted. There were reports that children and boys under the age of 12 had even been brought to safety after the members of the column had been captured and the executions had started. Such behavior speaks clearly and indisputably against a special intent to destroy a group as such.

Even though the surviving parts of the population would suffer because of the loss of most members of two generations of able-bodied men, the new generation of male children between the age of 1 and 12 would have clearly ensured the survival of the group as such.

Given the overall aim of successfully negotiating peace in the same year and the same aim to finalize the ethnic cleansing before the end of the negotiations, there is no indication that the killings were the prelude of an attack on other parts of the Muslim population in Bosnia and Herzegovina. It must be concluded from the covert character of the mass executions that there was no intent on the Serb side to have this mass murder uncovered, let alone to have accusations of genocide be raised. All the public statements made during the attack on Srebrenica were meant to demonstrate the good and proper treatment of the Muslim population. For this reason, the Srebrenica massacres could never have been intended to serve as a sign for all the Muslims of Bosnia and Herzegovina that they would eventually share the fate of those executed in Srebrenica. Of course, there is also no document of transcript that would demonstrate such intent.

5. Genocide as Such

As no special intent for genocide could be found, the question remains if genocide as such could have taken place in Srebrenica.

It is widely established that the crime of genocide can occur even without a real genocide. This means that a conviction of genocide does by no means indicate that genocide as such has taken place. The ICTY as well as the ICJ have ruled only on the basis of the Genocide Convention which deals with the individual crime of genocide. Both the Tribunal and the ICJ have found that "acts of genocide" had taken place.

Genocide as such could not have taken place in Bosnia. As the crime of genocide by its very nature requires the intention to destroy at least a substantial part of a particular group, genocide as such can only occur if a substantial part of a particular group is physically destroyed. This destruction must be established as an objective fact.

As discussed above, a "substantial part" does not need to be measured in overall numbers, although this will always be the first test to apply. The destruction of less than 0.4 percent of the Muslim population of Bosnia and Herzegovina does not indicate that genocide against the whole group took place.

Other indicators do not show any fundamental significance of the Muslim community of Srebrenica for the survival of the protected group of Muslims in Bosnia, as such, either.

The Tribunal itself derived this importance for the Muslim community only from the fact that the area had been of strategic importance for the Serbs. Srebrenica was a mountain town with less than 10,000 inhabitants and was of no cultural or religious significance. The destruction of the town and the Muslim community could therefore be of no relevance for the survival of the group as such.

This is also reflected in the rulings of the Tribunal. Concerning the "substantial part", the Tribunal only established with certainty that "people were killed." It did not make the finding that a "substantial part" of the protected group had been destroyed.

Therefore, the judgments of the ICTY as well as the judgments of the ICJ do not establish the fact that genocide (not: the crime of genocide) took place in Srebrenica and there is no other indication that genocide of the group of Muslims took place.

6. Final Conclusion

The conclusion after a thorough investigation is that neither the individual crime of genocide nor genocide in general took place in Srebrenica. As discussed above under sections (IV) and (V), there is no indication that there was a special intent to commit genocide. Furthermore, no substantial part of the protected group of Muslims in Bosnia was destroyed.

The Chambers of the ICTY are to be criticized for taking too narrow of a view on the events of July 1995. The Tribunal's view that – despite its small size – the population of Srebrenica made up a substantial part of the overall Muslim population of Bosnia and Herzegovina and that there was a special intent to destroy the protected group of Muslims as such cannot be shared.

In addition, stretching the meaning of certain terms in the definition, such as "substantial part" of a group and "destroy," also suggests a misapplication of the word "genocide."

The Tribunal interpreted the term "substantial part" of the group by adding the alternate term "significant" in a way that alters its original meaning in an unjustified manner. According to Raphael Lemkin, the "destruction in part" must be of a substantial nature so as to affect the entirety, as the Convention applies only to actions undertaken on a mass scale. The early commentator Nehemiah Robinson echoed this view, explaining that a perpetrator of genocide must possess the intent to destroy a substantial number of individuals constituting the targeted group. There is no reason to interpret the Convention in any other way.

By adopting an interpretation of genocide that cannot be universally applied, the Tribunal broadened the meaning of the term. However, by weighting in other factors like the military importance of that region for the Serbs or a "symbolic destruction" of protected

Muslim territory, the Tribunal even broadened its own definition of the term "significant part." According to the definition of the Tribunal, the attack on a certain part of a group can be significant if that part holds a prominent place in the protected group and its destruction would have a grave impact on the rest of the group. The attack on Srebrenica cannot be subsumed under this definition.

The existence of the enclave of Srebrenica was of no significant importance for the Muslims in Bosnia. Negotiators from all parties to the conflict had already agreed from the year 1993 that it made no sense to insist on maintaining the isolated enclaves of Srebrenica and Tuzla. President Izetbegović asked the representatives of the Srebrenica region to exchange Srebrenica and Žepa for Serb held territory around Sarajevo. Furthermore, the Serbs had communicated their decision to attack and destroy the enclaves on several occasions, starting on March 8, 1995, three months prior to the actual attack. There was no reaction from the International Community which would suggest that it would engage in any efforts to stop the forthcoming attack. The US stopped any air support for the enclave. The UN refrained from reinforcing their troops in the region. The Bosnian leadership withdrew the regional military leaders from the enclave.

This reaction from the international community as well as the Bosnian leadership demonstrates clearly that the town of Srebrenica was not a representative or even a significant part of the protected Muslim population in Bosnia.

Also, the Tribunal did not manage to prove that the criteria of the existence of a special intent to commit genocide had been met. Especially in cases of military conflict, a court needs to "deduce" intent or lack of intent to commit genocide from all the evidence presented before them by the prosecutor, the defense and the victims.

By excluding consideration of the perpetrators' motives for killing these military-aged men, such as seeking to eliminate a military threat, or seeking to punish the members of the military column for refusing to give in to Mladić's ultimatum, the Tribunal squeezed ambiguous fact patterns into the specific intent paradigm. Therefore, the Tribunals' standard for establishing specific intent to destroy the Muslims, in whole or in part, was incomplete.

After the *Krstić* decision, some genocide scholars like Eric Markusen, senior researcher at the Danish Institute for International Studies, have set the ruling into their perspective:

> Just like murder can have many forms, and still be considered murder, genocide can also come in different forms, ranging from killing seven thousand men in the course of a few days, like happened in Srebrenica, to the nearly one million killed in Rwanda or the six millions that perished in the Holocaust.

If such a legal understanding will materialize in the future, alleged genocides would become regular companions of military and common to environmental conflicts. The "crime without a name", as Winston Churchill had put the German genocide would become a name for many crimes – and would carry little consequences.

Therefore, it is mandatory to stay within the definition of genocide proposed by Raphael Lemkin and his colleagues in reaction to the otherwise indescribable acts of mass murder that had been committed by the Nazi regime during World War II.

This genocidal "essence" can be found in the biographical notes of Rudolf Hoess, as cited by the then prosecutor Gabriel Bach: "I was reading Hoess' description of how they had to kill a thousand Jewish children a day for many days, and how the children used to kneel sometimes asking to be spared and he wrote 'when my colleagues and I had to push the children into the gas chambers, my knees were getting a bit wobbly'. But he added: 'I always felt ashamed of this weakness of mine after I talked to Obersturmbannführer Adolf Eichmann because Eichmann explained there was no logic in killing a generation of adults if you leave alive a generation of possible avengers to create that race again'."[84]

84 Gabriel Bach, "The Eichmann Trial," in *Loyola of Los Angeles International and Comparative Law Review* 34 (2012), https://digitalcommons.lmu.edu/ilr/vol34/iss3/3/

Acronym List

Acronym	Definition
ARBiH	Army of the Republic of Bosnia and Herzegovina (Armija Republike Bosne i Hercegovine)
BiH	Bosnia and Herzegovina (Bosna i Hercegovina)
CIA	Central Intelligence Agency
COHA	Comprehensive Cessation of Hostilities Agreement
D.C.	District of Columbia
DCI	Director of Central Intelligence
DK	Drina Corps (Drinski korpus)
DNA	deoxyribonucleic acid
ECOSOC	Economic and Social Council
EMD	El-Mujahid Detachment
HVO	Croatian Defence Council (Hrvatsko vijeće odbrane)
ICJ / I.C.J.	International Court of Justice
ILC	International Law Commission
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
MZ	Local Community (Mjesna zajednica)
NATO	North Atlantic Treaty Organization
PLC	Public limited company
PSS	Public Security Station
RCIRZ	Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons
RS	Republika Srpska
TD	Territorial Defence
UNPROFOR	United Nations Protection Force
UK	United Kingdom

UN / U.N.	United Nations
US / U.S.	United States
VRS	Republika Srpska Army (Vojska Republike Srpske)

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CHAPTER III

Gideon Greif
Srebrenica and The Middle Podrinje – Historical Context

1. Introduction

Given that Srebrenica and the Middle Podrinje make up a small region, it was impossible to isolate them and view them as a separate territorial entity. So, for this reason, we decided to outline briefly the social and state systems that Srebrenica was part of. On the other hand, throughout all the wars that took place in these areas during the 20th century, including the last war, the national question rose to the surface as a fundamental problem. Since the national question, as a historical topic, belongs to the corpus of topics of modern history, it was to be expected that we would deal only with the modern period. The modern historical period in this region began with the occupation of Bosnia and Herzegovina by the Austro-Hungarian Monarchy; it was precisely in this period that some constants of national policies were defined that remained alive even after the great Monarchy had disappeared. Despite the fact that the process of formulating national policies was not a steady one and that it had different development dynamics, the period of the Austro-Hungarian occupation is a period in which long-term national and political goals were defined. Since the process of defining each and every nation in Europe had several stages, and was mainly based on the discovery and interpretation of medieval history, Bosnia and Herzegovina in this period found three different, quite often conflicting, interpretations of its past, which is why we considered it necessary to pay due attention to its oldest period, the pre-modern age that dates back to the times when the Slavs settled in the Balkans.

Accordingly, this report is chronologically divided into the pre-modern period, which spans the period from the settling of the Slavs in the Balkan Peninsula and the first mention of Bosnia to the medieval Bosnian state and the period of Ottoman occupation, all the way to

the 19th century. The second part includes the period of the end of the Ottoman occupation, followed by the period of the Austro-Hungarian rule in Bosnia and Herzegovina from 1878 to 1918, then the period of the Kingdom of Serbs, Croats and Slovenes and the Kingdom of Yugoslavia from 1918 to 1945 together with World War II and, finally, the period of socialist Yugoslavia from 1945 to 1992.

2. Srebrenica and the Middle Podrinje in the pre-modern period

2.1. The Middle Ages

The Middle Podrinje refers to the territory of today's municipalities of Srebrenica, Bratunac, Zvornik, Vlasenica and Milići. Bratunac and Milići are urban settlements of more modern origin which came into existence in the twentieth century. Bratunac was created through its separation from the Srebrenica district, and Milići was created a few decades ago through its separation from the municipality of Vlasenica. Even though their administrative independence is something gained recently, the history of those very settlements goes deep into the past. Bratunac first appeared in historical sources in 1381 as one of the places on the road near Crnča, on the Drina River, and in 1399 it appeared as an inhabited village of Srebrenica.[1] On the site of today's Vlasenica was the medieval region of Birač, owned by the feudal family Pavlović, which owned a number of estates in the area from today's Sarajevo to Višegrad. The name Vlasenica appeared somewhat later during the Ottoman rule, but it referred to the territory that was encompassed by the medieval Birač.[2] The area of the municipality of Milići was an integral part of the territory of Vlasenica until the late 20th century.[3] Zvornik appeared in historical sources in 1410 under the name Zvonik. It was most probably named after an impressive bell tower that existed in it and could have been seen from a great distance, but which did not survive until the modern historical period. During the entire historical period up until the Ottoman conquests of this area in the middle of the 15th century, this entire area was developing under the influence of Srebrenica and its mines. All these places were formed around the roads that led from Srebrenica to the north to Sirmium or, later, to Sremska Mitrovica or to the south and west towards Narona, or towards Vrhbosna in the central parts of the country.[4] After the Ottoman conquests, Zvornik took over the primacy from Srebrenica because in 1480 it became the seat of the *Sanjak*[5].[6]

The first time that Srebrenica was mentioned under that actual name in historical sources was on 16 August 1352 in a Dubrovnik document where two Dubrovnik merchants

1 Slobodan Ristanović, ed., *Reka Drina i Podrinje* (Beograd: n.p. [no publisher], 2000), 232.
2 Ristanović, *Reka Drina*, 287.
3 Ibid, 276-278.
4 Ristanović, *Reka Drina*, 310.
5 Author`s note: *sanjaks* were administrative divisions of the Ottoman Empire.
6 Ristanović, *Reka Drina*, 311.

mentioned a goldsmith from Srebrenica.[7] The town was undoubtedly named after the rich silver mines that were overexploited in this period, evidence of which will still be found in much later periods.

As a matter of fact, even in the ancient times, in today's Sase there was a settlement called *Domavia*, and the entire region was called *Argentaria*, which translates to silver.[8] The exploitation of silver ore and lead in this area dates back to the 1st and 2nd centuries.[9] During this period Domavia had the status of a *victus*, meaning a smaller settlement, but at the beginning of the 3rd century Domavia became a *manicipium*. In the mid-3rd century, Domavia obtained the status of a *colonia* and thus it became one of the most important centers of the Balkan region and an administrative mining center for Dalmatia and Pannonia.[10] Remains of early Christian basilicas that date back to Late Antiquity (5th and 6th centuries) were found in this area in Skelani and Staroglavice.[11] It is important to know that the word Domavia is not of Latin but of, most likely, Celtic origin, which would mean that this area was inhabited as early as in pre-Roman times, which is not surprising bearing in mind that the entire region of the Middle Podrinje is very richly forested and contains an abundance of fertile lands, as well as the fact that it adjoins a navigable river rich in fish.[12] In Roman times, the region of *Argentaria* was heavily populated and had a well-developed road infrastructure. From Domavija, one road led to Sirmium (today Sremska Mitrovica), where there was a mint supplied with metal from Domavia, and the second one led to Narona (today the village of Vid near Metkovići), which was at the time the most important Adriatic port and market town.[13]

The Migration Period, turbulent as it was, left its mark on this important mining center of the Roman Empire. With the arrival of the Slavs in the Balkans, Domavia was destroyed and torched, most likely in 582, when Sirmium was destroyed as well.[14] It is common knowledge that Slavic tribes settled in the Balkans in the first half of the 7th century, during the reign of the Byzantine emperor Heraclius (610-641). As a matter of fact, a great mass of Slavic people were present on the banks of the Danube as early as the 6th century. Despite the incursions of smaller Slavic detachments, their populating of the Balkans in that period was prevented by an efficient Byzantine defense system on the Danube. This system was neglected at the beginning of the 7th century, after which the first major incursions of Slavs and Avars into the Balkan Peninsula took place.[15] The intensity of this raid across the Danube is clear from the fact that the Slavic-Avar units were able to besiege the two most important cities in the European part of the Empire, Thessaloniki as well as the very capital, Constantinople,[16] within

7 Ibid, 246.
8 Željko Teofilović, *Pravoslavlje u Srebrenici* (Srebrenica: n.p., 2010), 9.
9 Teofilović, *Pravoslavlje*, 9.
10 Ibid.
11 Ibid, 11.
12 Ristanović, *Reka Drina*, 247.
13 Ibid, 248.
14 Ibid.
15 Sima Ćirković, *Srbi u srednjem veku*, 2nd ed. (Beograd: n.p., 1998), 9.
16 Ćirković, *Srbi u srednjem veku*, 9-11.

just a few years. Military failures in these sieges resulted in the liberation of the Slavic tribes from the Avar domination on the one hand, and on the other, as Byzantium in this period was not strong enough to prevent the invasions of the Slavs, their settling in the area between the Sava and Danube in the north and the Adriatic Sea in the south.

The most important source that speaks of this period, one which was written several centuries later, is the work *De administrando imperio*[17] by the Byzantine Emperor Constantine VII Porphyrogenitus. Writing about the regions in the Balkans where Serbs lived, in addition to the coastal regions of Pagania, Travunia, Zachlumia and Duklja, the first three of which made up the area of today's Herzegovina, he also mentioned the "baptized Serbia" within which the region of Bosnia was located. This was a region located in the central part of today's Bosnia, which back then covered the area of the upper and middle course of the Bosna River and the upper part of the Vrbas River. Thus, according to Porphyrogenitus, the territory that was inhabited by Serbs included the area from the mouth of the Cetina River, in the Adriatic coast, to the outflow of the Bojana River near the Skadar Lake in the south and from the valley of the Ibar River to the valley of the Vrbas River or even somewhat further west of it.[18]

When they arrived in the Balkans, the Serbs formed a kind of state organization that included the area of "baptized Serbia", as Porphyrogenitus called it, and this lasted from the 8th to the second half of the 10th century.[19] According to his records, there is no doubt that in this period, the region of Bosnia was part of Serbia.

A little more than a century earlier, in comparison to Porphyrogenitus' work, in a Frankish source there was a mention of Serbs in Bosnia, although Bosnia was not mentioned there as a region. As a matter of fact, in 822, the biographer of the Frankish emperor Charlemagne, Einhard, described the Frankish campaign against Prince Ljudevit Posavski which forced Ljudevit to withdraw from his fortified town of Sisak, and he wrote that he took refuge with the Serbs "who hold a large part of Dalmatia".[20] Given that Dalmatia in that period meant the entire area between the Sava and the Adriatic Sea, there is no doubt that Ljudevit took refuge with the Serbs in the territory of what later became Bosnia, that is, in the territory closest to his region, one which was not within range of Frankish units.

What is interesting here is that Einhard did not know about the existence of the area of Bosnia, and Porphyrogenitus mentioned it about a century and a half later. On the basis of modest data on social development, we can only assume what perhaps happened that resulted in the formation of an area in the west of the Serbian state, which will be discussed later.

With the death of Porphyrogenitus' contemporary, Prince Časlav, in the middle of the 10th century, the Vlastimirović dynasty disappeared from the historical scene. During this

17 a/n: *On the Governance of the Empire*.
18 Dušan T. Bataković, ed., *Nova istorija srpskog naroda*, 4th ed. (Beograd: n.p., 2010), 7.
19 Bataković, *Nova istorija*, 8.
20 Sima Ćirković, *Istorija srednjovjekovne bosanske države* (Beograd: n.p., 1964), 39.

period, the central, state authorities in the Serbian state disappeared, which resulted in the political space being fragmented, while local masters emerged in different parts of the state.[21]

At the end of the 10th or the beginning of the 11th century, Serbian lands were part of Samuel's empire, the center of which was on the territory of today's North Macedonia.[22] After the collapse of Samuel's empire, which was obliterated by the weapons of the Byzantine emperor Basil II Porphyrogenitus, the Bulgar Slayer, the area of Serbian lands, including the region of Bosnia, became part of the Byzantine Empire.[23] Less than two decades after being incorporated into the Byzantine Empire, on the territory of today's Montenegro, in the area around Skadar Lake and west to the Bay of Kotor, a new Serbian state emerged, created by Prince Vojislav. Through the gradual expansion of this state in the second half of the 11th century, the region of Bosnia became part of it as well. Vojislav's grandson Constantine Bodin sent Prince Stefan to Bosnia in 1083.[24]

At the beginning of the 12th century, there is record of an event that most significantly influenced further life in the region of Bosnia and later the medieval Bosnian state. This was the Hungarian occupation of Croatian territories.[25] In the following period, in addition to the constant Byzantine influence, there was a growing Hungarian influence on the Serbian lands, primarily on its western regions. The influences of these two great powers changed throughout the 12th century, and at its end and the beginning of the 13th century, mainly due to the death of the Byzantine emperor Manuel Komnenos in 1180 and the first fall of the Byzantine Empire that was conquered by the Crusaders during the Fourth Crusade in 1204, ultimately the Hungarian influence was the one that definitely and historically prevailed in the western part of the Serbian lands. We still have nothing but fragmentary and sporadic source information on the internal situation in Bosnia during the 12th century. In the middle of this century, Ban[26] Borić, who was also a Slavonian nobleman, was mentioned as the ruler of Bosnia, which points to the conclusion that at the time Bosnia was under the rule of the Hungarian crown.[27] From the mid-sixties of the 12th century, during the campaign of the Byzantine emperor Manuel Komnenos against Serbian lands, the region of Bosnia most likely came under Byzantine rule, but in the last decades of the 12th century a special form of statehood emerged in Bosnia under the reign of Ban Kulin, who during the first years of his reign had to be subject to Byzantine rule.[28] The second half of the 12th century represents the historical period during which two separate states, Raška and Bosnia, came into existence

21 Bataković, *Nova istorija*, 8.
22 Mihajlo J. Dinić, *Iz srpske istorije srednjega veka* (Beograd: n.p., 2003), 120.
23 Dinić, *Iz srpske istorije*, 120.
24 Ibid.
25 Dinić, *Iz srpske istorije*, 121. Compare with: Nada Klaić, *Povijest Hrvata u ranom srednjem vijeku*, 2nd ed. (Zagreb: n.p., 1975), 31-32.
26 a/n: a noble title used in several states in Central and Southeastern Europe between the 7th century and the 20th century; when the Bosnian state during Middle Ages achieved a de facto independence in the 12th century, its rulers were called *bans*, and their territory *banovina.*
27 Dinić, *Iz srpske istorije*, 121.
28 Ibid.

among the Serbian lands, and which had their own separate state development until the end of their existence in the second half of the 15th century.

The main feature of the 13th century, when it comes to the political position of the medieval Bosnian state, was the constant pressure of Hungary, which was reflected in the demand for recognition of Hungarian supremacy and the Roman Catholic faith, all of which took place under the patronage of the Pope. This Hungarian influence became crucial in the 13th century, when during its first half, at the time of the reign of Ban Matej Ninoslav, several wars were fought against the medieval Bosnian state, and during the second half of the 13th century it had its own proponent on the Bosnian throne, Ban Prijezda, who ruled until the end of the century.[29] In the first half of this century, the eastern border of the medieval Bosnian state reached the Drina River in the area of the Middle Podrinje, which means that from this period it also included in what would later become the Srebrenica area, that is, the area of ancient Argentaria.

Towards the end of the 13th century, the battles for the throne in Hungary were a result of the conflicts between local feudal lords in Dalmatia, among whom the family of the Šubić princes from Bribir stood out. The most powerful among them, Pavle Šubić, was mentioned as early as in 1299 as the master of Bosnia. Pavle's brother, Mladen I Šubić, was given governance over the territory of the medieval Bosnian state.[30] The supremacy of the Croatian authorities in Bosnia brought with it the increased influence of the Roman Catholic Church, which resulted in backlash in the country led by Prijezda's son Stefan. Even Mladen I Šubić was killed in the riots in Bosnia. After the death of Mladen I, Pavle's son Mladen II came to the helm of Bosnia. It is most likely that under his patronage Stjepan II Kotromanić, who had full power in Bosnia after the fall of the Šubić family in the battles of Croatian nobles in 1322, began to rule Bosnia, and during the period of his reign the work of the Srebrenica mines was revived and there was a first mention of Srebrenica.[31]

The period of Stefan II Kotromanić's rule (1322-1353) was characterized by stable conditions in the country, significant increase in the state's economic strength and almost a doubling of the state's territory. As a skilled ruler, Stefan II took into account the needs and interests of the nobility, thus ensuring long-term internal stability in the country. All decisions that were important for the state were made at the state assembly called *stanak*, which was attended by representatives of the nobility.[32] The economic strengthening of the country was based on stable internal conditions and a huge increase in the state's territory. Immediately after taking over rulership, the new ban occupied Donji Kraji[33] in the west of the country. Then, taking advantage of the riots and dynastic struggles in Raška after the death of King Milutin, and also the death of Milutin's brother Dragutin, Stefan II first took control over

29 Ibid, 122-123.
30 Ibid, 124.
31 Ibid.
32 Ibid, 125.
33 a/n: Lower Regions *or* Lower Ends.

Usora and Soli in the north, expanding the medieval Bosnian state to the right bank of the Sava River. After that, in the south and southwest of Raška, he took over the area of today's western Herzegovina, the area that lay on the right bank of the Neretva.[34] With this expansion, the state became a significant market and was more interesting to foreign traders. On the other hand, in Bosnia itself, there was an increase in the production of those foodstuffs that the coastal towns needed, and in this period there was also an increase in mining revenues in Bosnia.

The renewal of mining on Serbian land is closely connected to the arrival of Saxon miners who came to Serbian lands in the middle of the 13th century. As skilled miners, the Saxons brought with them certain mining skills to these areas, which, from the aspect of social life, resulted in the rise of towns, the development of crafts, and consequently a significant increase in the income of the rulers.[35]

During the reign of Ban Stjepan II Kotromanić, Srebrenica was distinguished above other mining centers in the country because it generated three times higher revenues than them. In this period, other centers such as Zvonik (today Zvornik) developed under its influence. Starting from this period and throughout the next hundred years, an artisanal sector was developed in medieval Bosnia. There were 34 types of crafts, 15 of which were practiced in Srebrenica.[36]

Ban Stjepan II Kotromanić was succeeded by his nephew Tvrtko I (1353-1391), under whose rule the territory of the medieval Bosnian state expanded further and reached its historical peak. During the first decade and a half, the new ban had serious problems with the rebellions of the nobility on the one hand, and with the increased pressure from Hungary on the other. During this period, in 1366, he was even briefly overthrown, but he returned to power with the help of Hungary, whose debtor he remained for some time.[37] After settling the internal situation in the country in the late 1360s, Tvrtko turned to expanding the state territory, mainly taking advantage of the bad internal situation in neighboring countries. After the disappearance of the central government, that happened as a result of the death of the last Serbian emperor Uroš, which was also the end of the Nemanjić dynasty that had expanded the former Raška state so much during the two centuries of its reign that in the middle of the 13th century it was elevated to the rank of an empire, Tvrtko took control over the territory of today's eastern Herzegovina. He first took control of the upper part of Herzegovina in 1373, and in 1377 he occupied the coastal parishes of Trebinje, Konavle and Dračevica.[38] With these conquests, a significant part of the territory of the former state of the Nemanjić dynasty became part of the medieval Bosnian state. Emphasizing his family ties with the extinct Nemanjić dynasty, Tvrtko decided to elevate his country to the rank of

34 Dinić. *Iz srpske istorije*, 125.
35 Ibid, 126.
36 Teofilović, *Pravoslavlje*, 24.
37 Dinić, *Iz srpske istorije*, 131.
38 Ibid, 132.

a kingdom and to be crowned with the old crown of the Nemanjić dynasty, one that Stefan the First-Crowned, the first king of this Serbian dynasty, was crowned with. The coronation took place in the Orthodox monastery of Mileševa, where the relics of Saint Sava, the first archbishop of the independent Serbian Archbishopric of Žiča, were stored.[39] The territory of Raška that had once belonged to the Nemanjić dynasty was dominated by several regional lords, large feudal lords of that time. Among them, the most important and most prominent were Prince Lazar Hrebeljanović, who worked hardest on the restoration of the statehood of the Nemanjić state, Gospodin[40] Vuk Branković, and in the far south, the Balšić family. According to some historians, Prince Lazar and Vuk Branković attended the coronation. It is well known that they recognized Tvrtko's supreme authority, and they recognized it throughout the next decade as well. Achieving these successes, King Tvrtko began to search for possibilities of further expanding the territory of his state. Taking advantage of the crisis that the Hungarian state was more and more sliding into, the new king began to put pressure on the Hungarian territories as well. In order to appease him and deter him from conquests, in 1385 the Hungarians gave him the town of Kotor, the most important Adriatic port in the south.[41] Shortly afterwards, Tvrtko carried out a military campaign on the part of the Croatian lands that were under Hungarian rule and in 1387 conquered Klis and Ostrovica, which were located in the immediate hinterland of Dalmatian towns, the most important of which were Split and Zadar.[42] Immediately after these conquests, these towns were being pressured with the aim of annexing them to the Bosnian kingdom. These plans were briefly thwarted by the increasingly frequent incursions of the Ottoman Turks into the territory of Serbian lands. Negotiations with Dalmatian towns, which had already begun, were postponed due to preparations for the Battle of Kosovo, in which Prince Lazar Hrebeljanović was killed in 1389, and after the battle his area became a vassal position of the Ottoman Empire. After the Battle of Kosovo, in 1390, King Tvrtko managed to have the Dalmatian towns surrender to him.[43] With these conquests, the medieval Bosnian state reached its greatest territorial extent, and with the death of King Tvrtko I Kotromanić, its golden historical period, which had begun with the start of the reign of Tvrtko's predecessor, came to an end.

After Tvrtko's death, the weaknesses of the state, which were caused by general societal developments that were characterized by the constant strengthening of feudal lords at the expense of the central government, were becoming evident on the historical scene. This process in Bosnia was further enhanced by certain social specifics that emerged in the period in which the medieval Bosnian state existed as an independent state. The first specific, and an extremely important one, emerged at the end of the 12th and the beginning of the 13th century. That was when the first news about a separate form of church organization in the medieval

39 Ibid.
40 a/n: meaning *lord* or *sir*.
41 Dinić, *Iz srpske istorije*, 133.
42 Ibid.
43 Ibid.

Bosnian state surfaced. Much has been written about Krstjani[44] or the Bosnian Church as it is known in contemporary sources. The beginnings of research on this phenomenon entered the sphere of interest of scientists in the 19th century, approximately at that time when the Austro-Hungarian Monarchy sought the opportunity to rule this area and use it to further advance towards the east, and it entered the main scientific stream in the period of the creation of the National Museum of Bosnia and Herzegovina, which will be discussed later. As a matter of fact, this was a heretical teaching, as considered by both orthodox churches of the time, which appeared on the territory of the medieval Bosnian state at the end of the 12th and the beginning of the 13th century. It was at this time that *Bogomils*[45] appeared in the neighboring Raška; a dualistic heresy that originated in the area of today's Macedonia and Bulgaria, which probably also appeared in Ban Kulin's Bosnia.[46] Due to this fact, the first researchers equated the Bogomils with the Church of the Bosnia or Bosnian Krstjani or Babuni[47], as they were perceived by contemporary sources. Later on, since this was a politically exploitable topic, this approach was introduced into the central stream of science that dealt with the history of the medieval Bosnian state, and it uncritically remained in science until the last quarter of the 20th century. The turning point in the study of this issue was made when the Serbian philologist and historian Dragoljub Dragojlović wrote his study *Krstjani i jeretička Crkva bosanska*[48].[49] He studied in detail all domestic and foreign sources that spoke of heretics in the medieval Bosnian state, and then the sources of dualistic heresies in the east and west, and came to the conclusion that the Bosnian Church did not have dualistic teachings specific to Eastern Bogomils and Western Cathars. Dealing with the history of the church, he gave a clear overview of the process of its creation. Considering, as has been mentioned, that Bosnia was already considered a part of baptized Serbia in the 10th century, we can conclude that Christian teaching was accepted in it at that time, but at the same time it was separated as a region with weak influences from abroad, and reforms of the monastic way of life, which belatedly came to other Serbian lands no sooner than at the end of the 11th and during the 12th century, were not carried out in it. Thus, the medieval Bosnian state was bypassed by the reform that established monasticism in the monastic communities, which resulted in the maintenance of the anchorite (hermit) way of life. As literacy was not at the level of the surrounding countries, from this way of life certain heretical teachings developed which divided members of the Bosnian Church into "Krstjani" and "credentes[50]". As this was a heresy that developed from the eastern, Orthodox part of Christianity, it also meant additional suspicion of the Roman popes, which gave the Hungarian state, as a powerful neighbor of the medieval Bosnian state, an opportunity to expand its territory to the south. It is in this light that one should look at the series of "crusades" that the Pope and the Hungarian kings

44 a/n: an archaic name for Christians.
45 a/n: members of a heretical medieval Balkan sect professing a modified form of Manichaeism.
46 Sima Ćirković and Rade Mihaljčić, eds., *Leksikon srpskog srednjeg veka* (Beograd: n.p., 1999), 63.
47 a/n: after Mt. Babuna.
48 a/n: Krstjani and the heretic Bosnian Church.
49 Dragoljub Dragojlović, *Krstjani i jeretička crkva bosanka* (Beograd: n.p., 1987).
50 a/n: in Serbian *mirski ljudi*.

led together against Bosnia. To conclude, this was a heretical teaching that stemmed from Eastern, Orthodox Christianity due to the isolation of the territory of this medieval state.[51]

Unlike other countries where the rulers had the moral support of the dominant orthodox churches, here, the emergence of a separate, specific church organization, in which the ruler could not have the moral support of the church, resulted in a somewhat more specific relationship between the ruler and the nobility. The rulers, having no support from the church, were forced to make mutual agreements with the nobility when mak ing decisions on all issues relevant to the state, and only rulers of character such as Stefan II and Tvrtko I could have had them under their dominion. This situation caused a constant weakening of the internal cohesion of society and the central government in the state to such an extent that the existence of the central government was not even sensed in the period of mature feudalism. All this greatly facilitated the Ottoman conquests and the ultimate disappearance of the state.[52]

As the medieval Bosnian state was exposed to direct attacks and the domination of Hungary throughout the 13th century, the dynamics of social development were somewhat slow. Unlike the neighboring Raška, where the process of sealing social classes was completed in the first half of the 14th century, in the medieval Bosnian state, this process was not completed. Even right before Bosnia came under Ottoman rule, free peasants still existed in it, which certainly went beyond the framework of recognizable societal developments in the Middle Ages.[53]

The decades after Tvrtko's death represented a period full of temptations in which the nobility dominated while the central authorities were barely noticeable in the state, which significantly reduced the state's defense power. Conquests carried out during the 14th century strengthened the state as well as significantly strengthening the nobility with whom the ruler had to harmonize state interests. By the end of Tvrtko's rule, several aristocratic families had stood out, who were just about as powerful as the ruler of the state.[54] Only an extraordinarily strong person who would stand at the head of the state central government could ever keep such nobility together, and since Tvrtko's death until the final collapse of the state, the medieval Bosnia had no such person.

The period from Tvrtko's death to the occupation of the medieval Bosnian state by the Ottomans can be divided into two parts. The first part spans from 1391 to 1411, and the second part from 1411 until the Ottoman occupation in 1463. The first part was characterized by constant Hungarian pressure, and during it the contenders for the Hungarian throne fought for the support of the Bosnian ruler and nobility. As the Bosnian state at that time had weak rulers and a hostile aristocracy that fought among themselves, the support that came from Bosnia was divided. The end result of this period is reflected in the fact that the Hungarian

51 Dragojlović, *Krstjani*, 252-255.
52 Dinić, *Iz srpske istorije*, 141.
53 Ibid, 135-138.
54 Ibid, 142-145.

King Sigismund, upon securing his advantage in the fight for the throne, invaded Bosnia in 1411, conquered the northern parts of Usora and Soli, as well as Srebrenica on the Drina. The northern part of the state remained under the rulership of Hungary until the Turkish conquests, while Srebrenica was handed over to the Serbian despot[55] Stefan Lazarević.[56]

2.2. Ottoman Pressure and Occupation

Only a few years later, a much more intense period of pressure from the Ottoman Empire began. As a matter of fact, when Mehmed I came to the throne in 1413 the period of internal unrest that occurred after the defeat at the battle of Angora in 1402 and the enslavement of Sultan Bayezid I ended. In this interregnum period, Ottoman troops were preoccupied with internal disturbances and were unable to put any pressure on the neighbors. The situation was such that right after the battle of Angora even Stefan Lazarević managed to terminate his vassal relationship and elevate his country to the rank of a despotate.[57]

The conquest strategy of the Ottoman Empire was well thought out and based on the system of krajišta. Krajišta were territorial units formed in border areas from which constant pressure was exerted on those territories that were part of the sultan's conquest plans. The Ottoman krajišnici[58] committed looting and violence with short-term military incursions into Christian territory in order to weaken the defense power of the neighboring rulers in the long run and spread panic among the population. Furthermore, these attacks were aimed at winning over some of the feudal lords, which would facilitate the process of occupation later on. When the appropriate conditions for the conquest of a certain territory were met, a larger military campaign was undertaken, and the newly conquered lands would be connected an existing krajište[59] one or a new krajište would be established in them.[60]

After settling the internal situation in the Ottoman Empire, conditions were created for further conquests of the territories of their Christian neighbors. There are records of very frequent raids by Ottoman border troops into the territory of the Kingdom of Bosnia, which began in the mid-1420s. The internal conflicts of the feudal lords, who occasionally brought Ottoman military troops to their aid, played an important role in the presence of Ottoman troops on Bosnian territory. Thus, as early as in the 1430s, the Turks in Bosnia, in its central part in the vicinity of today's Sarajevo, had their permanent base in the then fortress of Hodidjed in the parish of Vrhbosna, which they permanently conquered in 1435.[61] There was a growing and more constant pressure on the Serbian lands by the Ottoman Empire from the beginning of the 1450s, namely from 1451, when Mehmed II the Conqueror came to the

55 a/n: originally a Byzantine court title used for rulers or princes.
56 Dinić, *Iz srpske istorije*, 146.
57 Ibid, 148. Ćirković, *Srbi u srednjem veku*, 187-188.
58 a/n: frontiersmen.
59 a/n: singular of *krajišta*.
60 Hazim Šabanović, *Bosanski pašaluk: postanak i upravna podjela* (Sarajevo: n.p., 1959), 16-17.
61 Šabanović, *Bosanski pašaluk*, 27.

Ottoman throne. Two years after his accession to the throne, Constantinople[62], the capital of the Byzantine Empire, was conquered. During the next few years, the process of conquering the Despotate lasted, until it was finally occupied by the Turks after the fall of Smederevo in 1459.[63] After the fall of Smederevo, the road to Bosnia was opened and it was occupied in 1463,[64] while twenty years later, after the Turkish conquest of Novi (today Herceg Novi in Montenegro) in 1482, Herzegovina fell as well. The Ottoman conquest of Bosnia threatened the Hungarian borders, thus, in the following years the Hungarian army liberated the northern and western parts of the defeated kingdom and created out of them a defensive shield for the Hungarian territories and against further Ottoman progress to the west. The headquarters of these defensive territories located on Bosnian territory were Jajce in the west and Srebrenik in the north.[65]

Throughout the 14th century, Srebrenica was constantly developing. In 1390, the Srebrenica mines gave King Tvrtko 850 liters of pure silver. The turbulent period of the first decades after Tvrtko's death also resulted in a temporary stagnation of Srebrenica, but the situation was somewhat stabilized under the rule of despot Stefan Lazarević. It became part of the Serbian Despotate in 1412, and only five years a mint built in it. During this period, two of the most important mining centers of the time, Novo Brdo and Srebrenica, were in Stefan's state, and from those centers he collected annual revenues of 250,000 ducats.[66] Just how important Srebrenica was to despot Stefan is evidenced by the fact that in 1426 he convened the state assembly in this very town in which he proclaimed his nephew, Đurađ Branković, as his successor.[67]

One year after it became part of the Despotate, in 1413, despot Stefan built a church with his personal chapel in Srebrenica. In addition to this church, in the vicinity of Srebrenica, there was also the monastery of the Holy Trinity in Sase, the erection of which was linked to King Stefan Uroš. In the developed mining period, in this monastery there were doctors that were in charge of treating miners.[68]

The Ottoman invasion of the Balkans also influenced the development of Srebrenica. The Turks conquered it for the first time in 1439, but it was reclaimed five years later. During this period, until it was eventually occupied by the Turks, Srebrenica changed hands more than once, which certainly influenced its development, and was taken over by the Turks two years before the final fall of the medieval Bosnian state.[69]

62 Rober Mantran, ed., *Istorija Osmanskog carstva*, trans. Ema Miljković-Bojanić (Beograd: n.p., 2002), 101.
63 Mantran, *Istorija Osmanskog carstva*, 109.
64 Ibid, 112.
65 Šabanović, *Bosanski pašaluk*, 48.
66 Teofilović, *Pravoslavlje*, 26.
67 Ibid, 26-30.
68 *Pravoslavni manastiri u Bosni i Hercegovini* (Beograd: n.p., 2008), 130.
69 Ristanović, *Reka Drina*, 250.

After the conquest of Herzegovina, internal problems in the Ottoman Empire and the aforementioned defensive shield delayed further Ottoman progress towards Central Europe for several decades. In fact, during the last decades of the 15th century, Hungarian troops, using their positions in the *Banovina*[70] of Srebrenica and Banovina of Jajce, often invaded Ottoman territory. In 1476, a Serbian despot in the service of Hungary invaded Srebrenica and captured about 500 Turks and significant amounts of silver.[71] Sultan Suleiman I was the first one that led major successful conquests, which did not happen until the 1520s. In 1526, he inflicted a decisive defeat on the Hungarian army in the battle of Mohács, making Hungary a vassal country as well as an integral part of the Ottoman Empire as of 1541.[72] During the 16th century, Ottoman troops significantly expanded the territory of the Empire on a micro level, along the border of the former Bosnian state, by conquering part of the Dalmatian hinterland and Lika in the west and most of Slavonia in the north. The territory of today's Bosnia was conquered after the fall of Bihać in 1592.[73] At the end of 1480, the Bosnia Eyalet was formed as a territorial and administrative unit of the Ottoman Empire, which also included, in addition to the territory of today's Bosnia and Herzegovina, the territories in its immediate vicinity, in Slavonia and Lika, which had been occupied during the 16th century. During the Long Turkish War (1593-1606) between the Ottoman Empire and the Habsburg Monarchy, for the first time after the complete conquest of Serbian lands, the Serbs entered the historical scene by starting uprisings in Banat in 1594 and in Herzegovina in 1597, for which Patriarch Jovan Kantul was strangled in Constantinople in 1614. By the end of the Battle of Vienna (1683-1699), the territory of the former Bosnian state was no longer directly on the border of the Empire. In this war, the Ottomans lost their positions in Lika and Slavonia, which placed the area of the Bosnia Eyalet in the position of being a border area in the Empire.[74] The participation of the Serbs in this war on the side of the Habsburgs led to the withdrawal of the the Serbs from south to north[75], and on the other hand the Ottomans losing Slavonia and Lika resulted in a large mass of Muslims from the lost areas settling in the Bosnia Eyalet. After this war, the Ottoman Empire began to show its weaknesses, which resulted in the emergence of the Eastern Question, which was put to rest by the dissolution of the Empire and the formation of a republic after the World War I.[76] During the 18th century, Serbs participated in the wars that European powers waged against the Ottoman Empire (1714-1718, 1736-1739 and 1788-1791), and in the last one, the Dubica War, they fought for the interests of another state for the last time, after which in a series of revolts and uprisings they fought to establish their own state.[77]

70 a/n: a former administrative subdivision; land ruled by a ban.
71 Ristanović, *Reka Drina*, 250.
72 Mantran, *Istorija Osmanskog carstva*, 182.
73 Šabanović, *Bosanski pašaluk*, 83.
74 Mantran, *Istorija Osmanskog carstva*, 300.
75 Bataković, *Nova istorija*, 117.
76 Milorad Ekmečić, *Dugo kretanje između klanja i oranja: Istorija Srba u Novom Veku 1492-1992*, 2nd ed. (Beograd: n.p., 2008), 74.
77 Bataković, *Nova istorija*, 118-119.

The formation of the Banovina of Srebrenica as part of the Hungarian defensive shield, more frequent incursions of Hungarian troops into Ottoman territory in the first decades after the occupation of Bosnia resuled in the relocation of the center of this region from Srebrenica to Zvornik, which in 1480 became the seat of a sanjak. Srebrenica was gradually fading in importance.[78]

The Ottoman conquests also brought significant changes in both social life and population structure. Initially, in the newly conquered countries, old privileges of the representatives of the upper class were reconfirmed until the state administration would be established itself in that territory or until the territory in question would become less important, from the strategic aspect, for the further expansion of the Empire. In the next phase, Christian feudal lords would lose their old rights and privileges if they did not convert to Islam.[79] Regarding such matters, it is important to bear in mind that the Ottoman conquest of Christian lands brought with it a fundamentally different feudal order in relation to the one that existed in Christian Europe. While in the European feudal system the land was owned by feudal lords with and they could handle it at their own discretion, in the Ottoman system all land was owned by the sultan. Land holdings in the Turkish Empire were granted as benefits to servants, that is, sultan's subjects. These estates were homes to serfs who were obliged to give the beneficiary a share of all products obtained by farming.[80] The income from these estates supported the army and financed further conquests. On the other hand, those land holdings that were in the realm of the *beys*[81] were called *beyliks*[82] and they were free of serfs; in other words they, were separated from the serf estates. The beyliks were maintained by the serf labor, since each serf was obliged to work for free on a bey's land for at least three days a week.[83] The serf estates were mainly in the realm of the *sipahi*[84], to whom the serfs were obliged to pay a ninth of what they made. The serfs inherited the right to farm land by law. They inherited it from their father and there was no need to restore the title deed to the land. The sipahi land could not be sold or ceded to another person, but also the sipahi could not take away the land from the serf, unless the serf had not farmed it for three years.[85] In the period during which the Ottoman Empire was weakening, the process of creating *chifliks*[86] began, which was in fact illegal conversion of parts of the country into private property, and with it emerged a new social class that the peasants were obliged to pay certain levies to. As the process itself was based

78 Ristanović, *Reka Drina*, 311.
79 Adem Handžić, *Studije o Bosni* (Istanbul: n.p., 1994), 39.
80 Joko Sparavalo, "Agrarni odnosi u Bosni i Hercegovini u periodu turske i austrougarske okupacije i njihovo razrješenje agrarnom reformom od 1919. do 1931. godine," *Zbornik radova Ekonomskog fakulteta*, no. 5 (2011): 31-50, 36-37.
81 a/n: a *bey* was governor of a district or province in the Ottoman Empire.
82 a/n: territories ruled by beys.
83 Sparavalo, "Agrarni odnosi," 37.
84 a/n: feudal cavalryman of the Ottoman Empire whose status resembled that of the medieval European knight.
85 Sparavalo, "Agrarni odnosi," 38.
86 a/n: hereditary estates that could not be regulated by the government.

on the violence of the chiflik-sahibs[87], the levies were no longer a ninth but a quarter, a third or even half of the annual total amount of products, depending on what could be imposed on the dependent peasant, the *čivčija*, at the given moment.[88]

The role of the Ottoman occupation in Srebrenica is evident from albeit scarce data on the changes in the field of mining, which resulted in changes in society. As Srebrenica was the most important mining center in this area, all economic life in the town was strongly dependent on mining. Thus, immediately after it was captured by the Ottomans, Srebrenica gained the status of a *nahiyah*[89], and shortly afterwards it became the seat of the *kaza*[90] as well.[91] The Srebrenica mine was the Emperor's property. Approximately fifteen years after the fall of Srebrenica, in 1477, the miners lost their privileged status and were classified as ordinary rayah[92], which resulted in them fleeing. For example, in 1519, 28 miners worked in the Sase mine, and the mine generated yearly revenues of 220,000 akçe, and less than fifteen years later, in 1533, 17 miners had worked in that same mine and it generated yearly revenues of 103,200 akçe, and eventually, in 1548, the revenues dropped to 82,000 akçe. In 1533, 8 miners worked in the Mrtinci mine, and 10 miners worked in the Hlapovići mine. There was a total of 101 miners in the Srebrenica mines in 1519, and only 60 in 1533. The overall revenues of the Srebrenica mines in 1519 were 477,000 akçe, and in 1533 they were 92,000 akçe. The revenues from the Srebrenica smelter in 1483 were 4000 akçe, and in 1533 they were 1000 akçe. There was a mint in Srebrenica until 1559, when it was moved to Sarajevo.[93]

When it comes to changes in the religious structure of the population, it is usually considered that the Ottoman Empire did not pursue a policy of Islamization until the end of the 15th century. During the 16th century, in the beylerbeylik of Rumelia, within which the Bosnian territory was also situated until 1541, about 18% of the total population were Muslims.[94] It is estimated that in 1489, there were 4,500 Muslim families living in Bosnia, compared to 25,000 Christian families that also lived there at the time.[95] It is not clear from the data indicating such a ratio how many of the Muslims were Islamized local population, and how many were Muslims that were settled there during the occupation.

It has already been mentioned that in the first foreign sources that spoke of Bosnia, or the territory on which it was later created in Einhard's case, the writers explicitly claim that the population living there were Serbs. Similar descriptions were written later as well. In the 12th century, Byzantine writer John Kinnamos stated that the Drina River was separating

87 a/n: chiflik owners.
88 Sparavalo, "Agrarni odnosi," 38.
89 a/n: an administrative division used in the Ottoman Empire.
90 a/n: an administrative division used in the Ottoman Empire.
91 Ristanović, *Reka Drina*, 255.
92 a/n: tax-paying lower class of the Ottoman society.
93 Teofilović, *Pravoslavlje*, 49.
94 Mantran, *Istorija Osmanskog carstva*, 361.
95 Ibid, 360.

Bosnia from the rest of Serbia.[96] Similar observations can be found in other foreign sources of Western provenance. From 1187 to the middle of the 13th century, the papal office said that the medieval Bosnian state was "regnum Servilie, quod est Bosna"[97] (Kingdom of Serbia, which is Bosnia). What is even more important is the position of domestic sources when it came to the issue of the ethnic composition of the population. The first mention of a nationality in the diplomatic writings of the medieval Bosnian state is found in the charters of Ban Matija Ninoslav, dating back to the first half of the 13th century. In several charters by which he confirmed old and gave new trading privileges on the territory of his state to the citizens of Dubrovnik, he distinguished the Dubrovnik population from the domestic population and stated that the citizens of Dubrovnik were Vlachs, while the people in his country were Serbs.[98] When it comes to the first half of the 14th century, in the charters of Ban Stjepan II Kotromanić, we come across the name of the language spoken in the medieval Bosnian state. At the end of a document that was in fact a contract with Dubrovnik it was stated that four identical copies were made, two in Latin and two in the Serbian language.[99] Stjepan's successor, Ban Tvrtko I, who became King in 1377, added the name of the people he ruled to his royal title. Considering himself the heir of the extinct Nemanjić dynasty, Tvrtko was crowned in the Mileševo monastery above the relics of Saint Sava, the first Serbian archbishop, and bore the title of the King of Serbs, Bosnia and Pomerania.[100] In the later period and with later rulers, this title changed depending on which countries they ruled, but until the Ottoman conquest of the medieval Bosnian state, the name of the people over whom the ruler ruled remained in the title. Truth be told, during the 14th and 15th centuries "good Bošnjani[101]" were mentioned in the sources, but since, for example, "good Usorani[102]" were mentioned in those same sources as well, it can be said that this was undoubtedly a name used to denote nobility from the mentioned areas who appeared as witnesses to some of the rulers' decisions, and was most certainly not an ethnic name of the population.[103] Based on this, we can conclude that all available sources, both domestic and foreign, both Eastern and Western, claimed that the medieval Bosnian state was inhabited by Serbs. Therefore, in our analysis of the process of Islamization as a process of the change of religion taking place within a nation, we will consistently use names that denote religious identity.

In the Ottoman Empire, in canon law, the Sharia guaranteed the *dhimmi*, that is, Jews and Christians as the people of the Holy Book, the right to freely profess their religion, but there were a number of measures that classified them as second-class subjects who were

96 Neven Isailović, "Pomen srpskog imena u srenjovjekovnim bosanskim ispravama," in *Srpsko pisano nasljeđe i istorija srednjovjekovne Bosne i Huma* (Banja Luka – Istočno Sarajevo: n.p., 2018), 261-282.
97 Isailović, *Pomen srpskog imena*, 261-282.
98 Ibid, 264.
99 Ibid, 274.
100 Ćirković, *Istorija srednjovjekovne bosanske države*, 136-137.
101 a/n: an archaic word for Bosnians.
102 a/n: people from Usore.
103 Isailović, *Pomen srpskog imena*, 261-282.

subordinate to the Muslim "orthodox" population who had the status of first-class subjects.[104] In addition to all the taxes in accordance with the tax system of the Ottoman Empire, the dhimmi were burdened with special taxes in the form of a head tax called *kharaj*[105] or *jizya*[106], which amounted to one and a half *ispendje*[107] and the ispendje itself, which amounted to 25 *akçe*[108]. In case a Christian or a Jew converted to Islam, they would stop paying the head tax, and ispendje would be replaced with a different tax liability amounting to 22 akçe. In addition to these additional tax levies, Jews and Christians were subjected, in today's vocabulary, to a series of discriminatory measures that emphasized their inferior position. They were not allowed to ride horses and carry weapons. They had to wear different clothes compared to Muslims, with certain parts of the costume and certain colors being reserved only for the Muslim population. In short, they had to give up everything that symbolized luxury and opulence. It was forbidden for Christian churches to be taller than Muslim places of worship. They were forbidden to build new churches, and they had to obtain a special permit to repair the old ones. When celebrating holidays and festivities, they had to behave modestly. The use of bells or the organization of processions or any spectacular manifestations were not allowed. All of this has resulted in the formation of certain psychological patterns in both groups perceiving one another. Members of the Muslim faith, to which the ruler belonged as well, and which provided a more favorable social status and position in society in general, exhibited a feeling of superiority and contempt towards the followers of the tolerated religions.[109] On the other hand, such legal positions of Christians and Jews guaranteed them certain things from the central government, but they implied absolute and unconditional submission to the sultan. In the event that Christians or Jews rebelled against the sultan's sovereignty, or if the central government weakened, their fate would be left to the arbitrary decisions of the local power-holders of the Ottoman Empire.[110] This is evidenced by the frequent violent acts against dhimmi during the period of the decline of Ottoman power during the 18th and 19th centuries.

The first conversions to Islam in Bosnia were recorded in the period when the Turks occupied Hodidjed in Vrhbosna, in 1435. Yet until the end of the 15th century, conversions to Islam were individual.[111] When they conquered the medieval Bosnian state, the Turks accepted into their service representatives of the existing Christian authorities and the members of town garrisons, who surrendered without a fight, granting them *timariots*[112]. A significant part of these new sipahis converted to Islam in the following period.[113] The first individual conversions to Islam during the 15th century were mainly connected with towns, while the first

104 Mantran, *Istorija Osmanskog carstva*, 195.
105 a/n: a type of individual Islamic tax on agricultural land and its produce developed under Islamic law.
106 a/n: a capitation tax formerly levied on non-Muslims in the Ottoman Empire.
107 a/n: a land-tax formerly levied on non-Muslims in parts of the Ottoman Empire.
108 a/n: the chief monetary unit of the Ottoman Empire, a silver coin.
109 Mantran, *Istorija Osmanskog carstva*, 361.
110 Ibid, 362.
111 Handžić, *Studije o Bosni*, 41.
112 a/n: a timariot was name given to the Timarli Sipahi cavalry that served the Ottoman sultan and in return was granted a fief called a timar.
113 Handžić, *Studije o Bosni*, 41.

conversions among the rural population were registered in the last quarter of the century, but these conversions were not massive either. This is evidenced by the first population census in the Middle Podrinje from 1476, which included the towns of Srebrenica, Kušlat, Perin and Zvornik. A total of 1211 houses were registered in 83 villages, 3 *mezras*[114] and the town of Zvornik. In just one village (in the surrounding area of today's Nova Kasaba near Srebrenica), 14 Muslim houses were registered out of a total of 44 houses. Considering that these were close relatives of the Christian sipahi in whose timatriot this village was located, we can conclude that these were cases of converting to Islam in order to obtain certain privileges.[115]

The period of the first half of the 16th century is crucial for the process of Islamization. The fragmentation of Christian timariots began to be noticeable in Bosnia as early as at the beginning of the 16th century. It became clear that the Turks had full confidence only in the Muslim sipahis, meaning that the Christian sipahis who wanted to preserve their social status and gain the full trust of the Ottoman authorities had to convert to Islam.[116] By converting to Islam, peasants would change their social status significantly. They would be exempted from paying part of the tax obligations imposed on Christians and their status would change to that of members of the privileged layer of the subjects of the empire.[117] The dynamics of Islamization were certainly influenced by the military successes of the Ottoman Empire, and above all by the Hungarian defeat in the Battle of Mohács in 1526 and the conquest of Budim in 1541, due to which it appeared as though there was no hope for the renewal of the Christian state in this area.

In the first half of the 16th century, 3 lists of taxpayers were made in the Zvornik Sanjak, on the basis of which it is possible to follow the dynamics of Islamization and assess the social conditions within which it was conducted.

During 1528 a census of Vlachs, cattle-breeding families, was carried out, then in 1533 and 1548, lists of all taxpayers were made. The first of these censuses, no matter how inadequate they may be for drawing conclusions about the actual process of Islamization because it was limited to only one social group, nevertheless indicates some trends in this area. In 11 nahiyahs, 103 Vlach villages were registered in which, observed individually, between 18% and 63% of the Vlach population was affected by Islamization. By analyzing the summary results of the census of 1528, out of a total of 2743 Vlach families, 756 of them, or 27.56%, were Islamized.[118]

During the census of 1533, the population of 243 villages and settlements that belonged within 15 hahiyahs of the Zvornik Sanjak was registered. It should be noted that the Vlach families that were registered in 1528 had lost their Vlach status by 1533 and were included in this census. A total of 7996 taxpayer families lived in this area, among which there were

114 a/n: rural settlements connected to a village.
115 Handžić, *Studije o Bosni*, 42.
116 Ibid, 39.
117 Ibid, 40.
118 Ibid, 46-48.

1906 Muslim families, which made up 23.83%.[119] A slightly lower percentage of Islamized families in the census from 1533 was the result of the fact that this census included the entire population of the Zvornik Sanjak, unlike the census of the Vlach population only that had been carried out in 1528, which meant that a much larger number of families were registered. From this it can be concluded that Islamization was significantly more successful among the mobile cattle-breeding population than among the aboriginal, the natives as an agricultural population tied to the land.

The 1548 census shows an increase in population that cannot be linked to population growth, but is most likely the result of migrations dominated by the return of the indigenous population who had left the Zvornik Sanjak during the period in which it was a border sanjak. In the period between the previous and this census, there was a noticeable progressive growth in the number of the Muslim population, which had earlier made up 37.9% out of the total number of households, which during the above period increased by slightly more than 14%.[120] In this period, Islamization was most dynamic in the nahiyahs of Srebrenik (Muslims 1548 - 63.5%; 1533 - 42%)[121], Zvornik (Muslims 1548 - 57%; 1533 - 36%)[122], Soko (Muslims 1548 - 51%; 1533 - 34 %)[123] and Srebrenica (Muslims 1548 - 30%; 1533 - 16.2%)[124]. In the following decades, the dynamics of the Islamization process declined, which, on one side, could be connected with the renewal of the Peć Patriarchate in 1557, through which the Orthodox population renewed its ecclesiastical life that had not existed for decades after the Ottoman occupation, and, on the other, to the Turkish military defeats in the second half of the 16th century that brought hope that liberation was a possibility. During the second half of the 16th century, the Islamic population increased by about 2.5%.

For our analysis, it is important to show the dynamics of Islamization in the areas of Zvornik and Srebrenica because of the importance of these towns, but also because of the distinctiveness of the very process in them.

In the first census carried out a decade and a half after the Ottoman occupation, that is, in 1476, there is no data on Islamization in Zvornik.[125] A little more than half a century later, when the census of the Vlachs in the Zvornik Sanjak was carried out in 1528, there were 293 Vlach houses in the Zvornik Nahiyah, with 81 of them being Muslim houses, or 28% were houses of Islamized Vlachs.[126] Five years later, when the census of the entire agricultural population was carried out, and in the meantime the Vlachs had lost Vlach privileges and been turned into serfs, in the Zvornik Nahiyah there were 640 households, with 230, or 36%, of them being Muslim, while in the town of Zvornik lived 113 Muslim families and

119 Ibid, 50-54.
120 Ibid, 57-61.
121 Ibid, 59.
122 Ibid.
123 Ibid, 60.
124 Ibid, 59-60.
125 Ibid, 42-43.
126 Ibid, 46.

17 Christian families.[127] As is evident, almost half of the Muslim population of the nahiyah lived in the town of Zvornik, and it made up 86.9% of the total population. According to the census of 1548, there were 1077 houses in the Zvornik Nahiyah, with 623, or 57%, of them being Muslim. In the town itself, there lived 432, or 93.5%, Muslim and 30 Christian households.[128] There is no doubt that such a progressive growth in the number of Muslims was due to the fact that only four years after the first census, in 1480, Zvornik became the seat of the border sanjak. This decision was certainly influenced by the formation of a banovina, with its headquarters in Srebrenik, which was an integral part of the Hungarian border shield. Due to the constant clashes along the border, and since the Ottoman authorities had full confidence only in their Muslim subjects, the pressure on the Christian sipahis had to have been exerted little earlier in this area than in other parts of Bosnia. Their Islamization, together with other factors, the most important of which was a constant existential pressure, created a certain inertia that affected the dynamics of Islamization. From the results of the last two censuses, it is evident that in the first half of the 16th century, only half of the Islamized population lived in the countryside and engaged in agriculture and the other half lived in the town, while the share of Christians in the urban population was minor. This suggests that the Ottoman occupation played an extremely regressive role in the lives of Christians in this area.

In Srebrenica, the dynamics of Islamization were somewhat slower. There is no doubt that after the occupation, Vlachs were settled in the Srebrenica area, as well as in the Zvornik area. Before the census of the Vlachs in 1528, this population lost its Vlach status and was turned into an agricultural class, which is why it was not included in this census. According to the census of 1533, a total of 576 households were registered in the Srebrenica Nahiyah, with 81, 16.2%, of them being Muslim.[129] There were 178 Christian households and 36 Muslim households in the urban settlements. Fifteen years later, according to the 1548 census, there was a total of 658 households in the Srebrenica Nahiyah, with 197, or 30%, of them being Muslim. There were 192 Christian and 106 Muslims households in the very town of Srebrenica in this period.[130] Half a century later, in the census of 1604, it became evident that for the first time Muslims were a majority in Srebrenica. During this census, 182 Muslim and 151 Christian houses were registered in the town center of Srebrenica.[131] Although Srebrenica retained the Christian majority in the first half of the 16th century, ever since the period of stabilization of Turkish rule in the first decades of the 16th century it, began to turn into an oriental town due to the privileged position of the Muslim population. The answer to the question why was the process of Islamization in Srebrenica slower in comparison to Zvornik should be sought in the established tradition of Srebrenica as a mining center in this area;

127 Ibid, 59.
128 Ibid.
129 Ibid, 54.
130 Ibid, 59-60.
131 Nedim Filipović, *Islamizacija u Bosni i Hercegovini* (Tešanj: n.p., 2005), 196-198.

the people of Srebrenica were aware of their town's worth thus they did not convert to Islam so easily in comparison to the people of Zvornik. On the other hand, the somewhat faster process of Islamization during the second half of the 16th century was the result of the relocation of the center of the area from Srebrenica to Zvornik and, more importantly, the constant weakening of Srebrenica as an economic center. It can hardly be supposed that an almost progressive increase in the Muslim population in the late 15th century and first half of the 16th century, despite the differences in social status, was a natural reaction of the local population to the presence of a new religion and that the Muslim population could have tripled, without violence, within one generation, in just fifteen years.

In the same period in which the progressive increase in the Muslim population was recorded, the importance of Srebrenica was gradually declining, so that by the end of the 16th century, it became an economically and politically insignificant area. Srebrenica suffered another blow during the Battle of Vienna at the end of the 17th century, when the Turks, withdrawing before the troops of the Holy Alliance, in 1688, burned it to the ground.[132] During this period, Christian churches that had survived the period of the Turkish conquest of this area were burned as well. The population was mainly displaced to the area on the right bank of the Drina. This great fire transformed Srebrenica into an oriental *kasaba*[133] and sealed its economic development forever, while the political significance of this area was renewed in the 19th century. On the other hand, Zvornik was in a somewhat better position as the seat of the Sanjak. This town developed rapidly at the end of the 15th and in the first decades of the 16th century, while from the second half of the 16th to the end of the 17th century, since the very Sanjak was not in the border area, it stagnated to a certain extent. During the Battle of Vienna, troops of the Holy Alliance briefly conquered it in 1688.[134] Zvornik was also under siege by European armies in the following wars (1717 and 1737), but Ottoman troops managed to defend themselves in these situations.[135] From the period when stagnation began in the second half of the 16th century, Zvornik, as well as the entire Middle Podrinje region, restored its strategic and political significance during the outbreak of the Serbian Revolution, when it became the seat of the border area and when Austro-Hungarian Balkan policy had a crucial influence on historical processes in this area.

132 Teofilović, *Pravoslavlje*, 51.
133 a/n: an undeveloped, provincial small town.
134 Ristanović, *Reka Drina*, 311.
135 Ibid.

3. Srebrenica and the Middle Podrinje in the Modern Period

3.1. The End of Ottoman Rule

The most elementary seeds of social processes of modernization in the Balkans appear at the beginning of the 19th century. The basic elements of these processes were liberation from the Ottoman occupation, liquidation of feudal relations and formation of nation-states.

In this area, the 19th century was characterized by complicated, intertwined relations of various political factors, both the great powers and the Serbian national movement, which were precisely in the Balkans trying to meet their own interests. First of all, the Ottoman Empire was looking for ways to survive by implementing reforms. Russian and Austrian interests intertwined in the Balkans.

The Ottoman Empire faced the challenges of an outdated system of state administration, deep-seated social problems caused by the abuse of agrarian relations and an inefficient army, which is why a set of reforms was launched at the end of the 18th century. The reforms encountered strong resistance from the Muslim in the border areas of the Empire, where the renegade part of the Ottoman nobility and army was putting pressure on the local population. All this resulted in a series of popular uprisings. The most important among them broke out in 1804 as a revolt against the *dahije*[136] in the Belgrade *Eyalet*[137], and just a few years later it turned into the Serbian national revolution. At the beginning of the 1930s, the Principality of Serbia liquidated feudal relations and became a country of small peasant estates, which influenced the momentum of the Serbian national movement even in those territories that had remained under Ottoman control.[138]

Russia's influence on the situation in the Balkans arose from the Treaty of Kuchuk-Kainarji, which ended the Russo-Turkish war of 1768-1774. According to this treaty, the Russians became the protectors of Orthodox Christians in Constantinople, but they soon extended this provision to the entire Ottoman Empire.[139] This gave Russia the opportunity to pursue its interests in the European part of the Ottoman Empire and to influence the national liberation movements, primarily those of Serbs, Bulgarians and Greeks.

The ability of Russia to do this did not suit the great European powers, primarily the Habsburg Empire. Russia's potential support for the Orthodox peoples in the Ottoman Empire, which would result in the creation of nation-states, on the one hand disrupted the plans that the Habsburg Empire had for the east and, on the other, could have led to similar demands of the Slavic population within the monarchy itself. Because of this, according to Chancellor Metternich's ideas, the permanent interest of the Monarchy was the policy of preserving the

136 a/n: renegade Janissary officers.
137 a/n: also known as *pashaliks*, *eyalets* were a primary administrative division of the Ottoman Empire.
138 Bataković, *Nova istorija*, 144-147.
139 Mantran, *Istorija Osmanskog carstva*, 323-325.

Ottoman Empire, which Austria (from 1867, Austro-Hungary) gave up on only in situations when it was sure that its interests could not be endangered by doing so.[140]

In the same area of today's Bosnia and Herzegovina, from the beginning of the 18th century, among the small Christian population, a less numerous but financially strong layer of Serbs who engaged in trade and craft developed, and this was organized into *esnafs*[141]. In towns, they were organized into church municipalities in which all important issues in connection with the religious and social position of the Serb population were discussed and resolved in accordance with their capacities. These church municipalities laid the foundations for the national movement of Serbs in this area.[142]

As early as in the period of planning the revolt against the dahije in the Belgrade Eyalet, there were negotiations about starting a Serb uprising in the Bosnian Eyalet at the same time. Such plans proved unfeasible. The first uprising in Bosnia took place in Podrinje in 1807, after the victory of the Serbian insurgents over the Ottoman army on the right bank of the Drina on Mišar in 1806, which was the first victory over regular Ottoman troops, but this uprising was crushed in a short time.[143] In retaliation, several villages and the Tavna monastery were torched. The next uprising began in Bosanska Krajina[144] in 1809, but it was quickly neutralized as well.[145] All these uprisings, just like the Serbian Revolution, initially emphasized social demands, but very soon they would turn into a national movement.

Along with the Serb rebellions and uprisings, there were uprisings of the Muslim nobility in the area of today's Bosnia and Herzegovina during the 19th century. Extremely conservative, convinced that they were preserving the ancient Ottoman traditions, the Ottoman nobility in this area rebelled against most of the reforms that were adopted during the Tanzimat period. The military reform was utterly unacceptable to them, not only because it formed an army that was most directly subordinated to the central authorities, but also because the new uniform of the Ottoman soldier was tailored after the style of the uniform of European armies. Yet the greatest resistance existed against a decision from the *Hatt-i humayun*[146] of *Gülhane* of 1839, which was extended by a reform *firman*[147] of 1856, which formally equated the non-Muslim population with the Muslim population in terms of rights to free exercise of religion and tax policy.[148] The Ottoman nobility, who grew up on the border of the empire, did not want to give up prestige and did not accept the indicated equality with the former serfs. Due to this, Muslim uprisings broke out on several occasions, the largest of which was

140 Tomislav Kraljačić, *Kalajev režim u Bosni i Hercegovini 1882-1903* (Sarajevo: n.p., 1987), 18-20.
141 a/n: guilds.
142 Bataković, *Nova istorija*, 113-114.
143 Ibid, 201.
144 a/n: sometimes translated as Bosnian Frontier.
145 Bataković, *Nova istorija*, 201.
146 a/n: a document or handwritten note of an official nature composed by an Ottoman sultan.
147 a/n: a decree issued by a sovereign in the Ottoman Empire.
148 Mantran, *Istorija Osmanskog carstva*, 555-604.

the uprising from the period of 1849-1851, which was crushed by the intervention of regular military forces.[149]

The crushing of the Muslim resistance opened up the possibility of carrying out reforms which caused additional costs to the administration and, consequently, additional pressure on the dependent peasantry. The response to this pressure was a series of new Serb uprisings. The most significant in the territory of Bosnia was the uprising of 1857-1858, which spread from Bosanska Krajina through Posavina.[150] It was soon crushed by the intervention of regular Ottoman forces, and as a consequence, the Muslim population, under the accusation of acting passively from the border areas towards Austria and Serbia, was displaced, and was replaced by a new population. At the same time, there was an ongoing uprising of Herzegovinian Serbs (1852-1862), which was helped by Montenegro.[151] This uprising failed after the Montenegrin troops were defeated by the regular Ottoman troops.

After a little more than a decade, in the summer of 1875, there was a new wave of uprisings that began in Herzegovina, near Nevesinje, and then spread to Bosnian territory and swept across most of Bosanska Krajina. The uprising was provoked by the violence of the tax farmers who requested that the peasants, who had already been giving them two thirds of their total income through taxes, give them another tenth. In addition to the social demands that were reflected in the demand for the abolition of imposed taxes, freedom of religion, equality before the courts, there was also a national demand: unification with neighboring Montenegro.[152] The uprising soon spread to the area of Bosanska Krajina. In the summer of 1875, the *Main Committee of the Bosnian Uprising for Liberation* was formed, and very soon the territories of Kozara and Potkozarje were liberated. In both cases, the uprisings began as a social revolt and quickly turned into a struggle for national liberation. During June and July 1876, the Serb insurgents declared the unification of Bosnia with Serbia in several locations, while the Herzegovinian insurgents proclaimed the unification with Montenegro in June.[153]

The Serb uprisings in Herzegovina and Bosnia, and then the related Serbian-Turkish War, brought forward the Eastern Question, which also included the Serb question, as well as the question of the position of other Christian peoples in the Ottoman Empire. It was addressed at the Congress of Berlin, a meeting of great powers in Europe, in which it was decided on the international recognition of the independence of Serbia and Montenegro, which formally ended the sultan's centuries-old sovereignty over this part of Serbian territory, and Bosnia and Herzegovina were handed over to the Austro-Hungarian Monarchy with the sultan remaining the formal sovereign in these areas. During the Eastern Crisis, Bosnia and Herzegovina lost about 150,000 of their inhabitants, mostly Serbs and some local Muslims.[154]

149 Bataković, *Nova istorija*, 203.
150 Ibid, 204.
151 Ibid, 204-206.
152 Ibid, 208.
153 Ibid.
154 Ibid, 209.

3.2. Austro-Hungarian Period of 1878-1918

The Balkan policy of the Habsburg Monarchy was inspired by the need for domination over the Balkan peoples, and the very area of the Balkans opened up the possibility for it to affirm its status as a great power. For this general reason, the Monarchy had a significant influence on the policy-making of the Balkan peoples. This brought it somewhat into conflict with the interests of Russia, which was also interested in influencing the Balkans. A certain advantage of Russia was reflected in a specific national and, in part, religious affinity with the Balkan Slavs. Russian influences in the Balkans created in the Habsburg Monarchy a fear of possible Russian domination because in that case there was the danger of an emergence of a pan-Slavic movement which, given the significant number of Slavs living in the Monarchy itself, could jeopardize the survival of the Monarchy. This resulted in the emergence of Russophobia in the Habsburg Monarchy, and after the outbreak of the First Serbian Uprising, Serbophobia as well. The First Serbian Uprising highlighted all the weaknesses of the Ottoman Empire, which is why its fate became one of the basic issues in the relationship between the Habsburg Monarchy and Russia. The emerging Serbian state was considered a natural enemy of the Monarchy because, on the one hand, it stood in the way of its expansion to the east and, on the other, it had the potential to become a pivot around which both Serbs living in the remaining Ottoman provinces and those living in its territory would gather. Because of this, the Monarchy decided on the policy of maintaining the Ottoman Empire, which it gave up on only in those situations in which it was sure that acting so could not endanger its own interests.

The theory of the necessity of Habsburg expansion to the east was developed as early as the 1840s. Advocating for Italian unification, the Italian ideologue of liberal Catholicism, Cesare Balbo, believed that the Habsburg Monarchy should have abandoned the Italian provinces of Lombardy and Venice, as well as its decisive influence in the alliance of German states, and sought compensation for those territories in the Turkish Balkans. This, according to him, would have yielded benefits on many sides. The Habsburg expansion to the east would have suppressed the Russian, predominant influence on the national movements of the Balkan peoples on the one hand, and on the other the Monarchy would have had the possibility of gaining access to a warm sea, as well as the possibility of colonizing the surplus of its agricultural population. According to his ideas, the Habsburg Monarchy could have carried out a civilizing mission in the Balkans through the colonization of its population and the Germanization of the population existing there.[155]

After losing the Italian provinces and its dominance among the German states, the Habsburg Monarchy adopted Balbo's theory of possible expansion to the east in its entirety in 1866. Consequently, the Serb uprisings in Herzegovina and Bosnia became an excellent opportunity for the realization of these theoretical precepts. With the adoption of the decisions of the Congress of Berlin, the first strategic objective was achieved. In addition to the

155 Ekmečić, *Dugo kretanje između klanja i oranja,* 206, 225-226, 317.

Occupation of Bosnia and Herzegovina, Austro-Hungarian diplomacy managed to keep Old Serbia (Kosovo and Metohija and part of Macedonia) together with the Novi Pazar Sanjak as part of the Ottoman Empire, which meant that the Ottoman territory was separating the territories of the newly recognized Serbian states of Serbia and Montenegro.

As the occupation of Bosnia and Herzegovina took place only a decade after the Austro-Hungarian Compromise of 1867, the newly conquered countries did not belong to any of the contracting parties, but formed a kind of *corpus separatum* under the management of the Joint Ministry of Finance. The Austro-Hungarian administration in Bosnia and Herzegovina was influenced on the one hand by the strategic interests of expansion to the east, which is why Bosnia and Herzegovina should have been perceived as a stepping stone, which inevitably meant its separation from Serbia and Montenegro, and on the other hand an extremely complex social, religious and national population structure.

According to the first modern census conducted a year after the Austro-Hungarian occupation, there were 1,158,164 inhabitants in Bosnia and Herzegovina. This number is only approximately correct because the census was conducted in conditions in which the situation had not yet been stabilized. During the Serb uprising, Bosnia and Herzegovina lost about 150,000 inhabitants, mainly Serbs and a small number of local Muslims; moreover, immediately after the occupation, a part of the population from Dalmatia and Slavonia, mainly Catholics, were settled in Bosnia and Herzegovina. Together with the occupation authorities they belonged to that part of the population that did clerical work.[156]

The census that was conducted listed the people according to confessional criteria, and there were 496,761 (42.88%) Orthodox Christians, 448,613 (38.73%) Muslims, 209391 (18.08%) Roman Catholics, 3,426 (0.29%) Jews and 249 (0.02%) members of other religions.[157] It is evident that neither one of the confessions constituted an absolute majority in the country. A special characteristic of the confessional structure of the population was the fact that in all parts of the country lived believers of various confessions. According to the census of 1885, the Orthodox population constituted a majority in 25 districts, the Muslim in 14, and the Roman Catholic in 12. When it comes to districts, in wider territorial and administrative units, one confession constituted the absolute majority in just two districts. These were Banja Luka and Bihać districts, in which Orthodox Christians constituted the absolute majority, while in Sarajevo and Tuzla districts Muslims constituted the absolute majority, and in Mostar and Travnik districts Roman Catholics constituted the relative majority. An important fact, in discussing the confessional structure in the country, is the fact that the Muslims were the majority population in the towns. According to the census of 1885, there were 47 towns in Bosnia and Herzegovina, and Muslims constituted the absolute majority in 40 towns and relative majority in 2 towns.[158]

156 Kraljačić, *Kalajev režim,* 14.
157 Ibid.
158 Ibid.

Observing the social structure of the population, it is evident that immediately after the occupation Bosnia and Herzegovina was an extremely backward feudal country. According to the census of 1879, there were 135,139 inhabitants in the towns and 1,023,005 in the villages. Thus, 11.67% of the population lived in towns and 88.23% in villages. If we add to this the fact that according to the census of 1885, 30% of the population that lived in towns was agricultural, then we come to the conclusion that the share of the agricultural population in the total population was about 92%.[159]

At the beginning of the occupation, there were 6,000-7,000 *aghas*[160] and beys, about 77,000 families of free peasants and about 85,000 families of serfs living in Bosnia and Herzegovina. According to the census of 1895, serfs made up a high percentage, 38.25%, of the total population. Considering that a number of serfs were bought in the meantime, it is safe to assume that at the time of the occupation, that percentage had not been below 40% of the total population in Bosnia and Herzegovina.[161]

Social problems in Bosnia and Herzegovina were further exacerbated by the fact that the social structure of the population largely coincided with the confessional one. All large landowner families, 6,000 - 7,000 landowners, were Muslims, as was the vast majority of the 77,000 families of free peasants, while only 5% of free peasants were Christians. The situation was completely different when it came to dependent peasants, serfs. Out of about 85,000 serf families, around 60,000 were Orthodox and about 25,000 were Roman Catholics. The number of Muslim serf families was negligible.[162]

The national question in Bosnia and Herzegovina during the Austro-Hungarian occupation became one of the most important issues on which the entire occupation policy depended. In the striving to achieve the aim of the strategic policy according to which Bosnia and Herzegovina were supposed to be the base for further advance eastward, in addition to the complex confessional and social structure in the country, the situation was further complicated by the fact that the two Serbian states received international recognition. Therefore, the main goal was to isolate Bosnia and Herzegovina from Serbia and Montenegro, which was done on the one hand by rigorous border control and on the other hand by a special national policy in Bosnia and Herzegovina.

According to the ideas of Benjamin von Kállay, the Joint Minister of Finance, who governed Bosnia and Herzegovina for just over two decades, a new identity was to be created in this area; one that could permanently separate Bosnia and Herzegovina from the neighboring free states. This was done through language policy, strict control of the press and guidance of scientific production.

159 Ibid, 15.
160 a/n: *ahga* was an honorific title for a civilian or military officer.
161 Kraljačić, *Kalajev režim,* 15-16.
162 Ibid, 16.

Immediately after the occupation of Bosnia and Herzegovina, the national and, accordingly, the language policy of the Austro-Hungarian Monarchy was pro-Croatian, but after only a year, certain experiments with the introduction of the "Bosnian language" began. In June 1879, the Croatian language was designated to be the medium of instruction, but in September of the same year it was determined that the language in schools would be called "Bosnian national language".[163] This confusion was an expression of the then disorientation of the Austro-Hungarian bureaucracy in the country and its gradual abandonment of the pro-Croatian course with the intention of favoring the name "Bosnian" in language policy.

In the same period, a theory emerged according to which a Serbian or Croatian name should have been avoided because using those names would have classified the population of Bosnia and Herzegovina under a Serbo-Croatian community. At the same time, there was an idea to elevate the Herzegovinian dialect to the rank of an individual language and to call it "Bosnian".[164] Since the Herzegovinian dialect was the basis of the Serbian and Croatian languages, a third, "Bosnian language" would be added to those languages, and with that the "individual Bosnian self-awareness" would be endorsed through the use of a language designated as Bosnian. At the same time, during the discussions on spelling, the Austro-Hungarian administration decided on the phonetic spelling in the hope that it would require the use of the Latin alphabet, which would lead to the suppression of the Cyrillic alphabet as an important Serb feature of the occupied countries.[165] Although the complete written heritage of Bosnia and Herzegovina had been created in the Cyrillic alphabet, it was assessed that the suppression of the Cyrillic alphabet would not be a problem for the Muslim and Roman Catholic population. Phonetic spelling was primarily supposed to impose Latin alphabet on the Orthodox population. For the same purpose, the administration began the process of creating a "Bosnian language" grammar textbook. The production of the textbook itself was entrusted to Franc Vuletić. As Vuletić did not recognize the "Bosnian language" as an individual language, he insisted on the remark that the name *Grammar of the Bosnian language* was a proposal of the Government. The publication of a textbook under this name led to the "Bosnian language" receiving its final endorsement. In order for the name of the language to access all schools, even the Serb confessional ones, the Government issued forms for the annual reports of all schools. The Serb resistance to such a language policy resulted in it not taking deeper roots in Bosnia and Herzegovina and, consequently, such a language policy had to be abandoned as early as at the beginning of the 20th century.[166]

Language policy, no matter how important, was not enough to build the designed arrangement that was the "Bosnian nation". For this reason, the ideological arrangement, according to which three similar, but still separate, national communities – Serb, Croatian and Bosnian – had developed throughout the course of history, needed a "scientific substantiation". For

163 Ibid, 231.
164 Ibid.
165 Ibid, 232-233.
166 Ibid, 241-242.

these reasons, the Austro-Hungarian administration in Bosnia and Herzegovina established the *National Museum of Bosnia and Herzegovina* in 1888.[167] The museum had two basic departments: the archaeological and historical department and the natural sciences department. A year later, a journal, *Glasnik Zemaljskog muzeja Bosne i Hercegovine*[168], was launched as well.[169] Both the National Museum and its journal had a function in the national policy of Austro-Hungarian politics in Bosnia and Herzegovina, which was reflected in the study of the "distinctiveness" of Bosnia and Herzegovina. The analysis of tombstones, called *stećak*[170] tombstones, had serious potential for the implementation of the regime's national policy. The "Bogomil theory" about the origin and distinctiveness of stećak tombstones prevailed, which was a theory that had been urged upon the researchers from the start. According to this theory, Bogomils lived in medieval Bosnia, as a separate, heretical religious community that disappeared as such during the Ottoman occupation of Bosnia, mainly through its members' conversion to Islam. Furthermore, according to the same theory, Bosnian Muslims were their direct heirs and, thus, they were the indigenous population of Bosnia and Herzegovina, while the stećak tombstones were part of their exclusive tangible cultural heritage. British historian Marian Wenzel, researching the stećak tombstones in the second half of the 20th century, concluded, "After much deliberation, I must admit, I have not discovered anything that is exclusively or convincingly related to any heretical religion or belief."[171]

In order for all this to appear convincing, the peculiarity of the Cyrillic alphabet used on the territory of Bosnia and Herzegovina was being overemphasized. The Cyrillic alphabet has been present from the first emergence of literacy in this area, and all original materials created on the territory of today's Bosnia and Herzegovina that have been preserved were written in the Cyrillic alphabet, whether it is book manuscripts or diplomatic materials.[172] Until the establishment of the royal office of Tvrtko I, diplomatic material were written using square capitals, while after its establishment, the Cyrillic minuscule was used, which was transmitted from the tradition of the Raška court office.[173] As this Cyrillic minuscule had certain distinctive features in comparison to the hitherto valid standard of square capitals in the office of Serbian medieval rulers, it served the ideologues of the "Bosnian nation" to design a construct about a distinctive alphabet which they called *bosančica*[174]. During the Austro-Hungarian rule, a theory was developed that bosančica was a completely different alphabet in relation to Cyrillic, and that the only thing that connected these two alphabets was the common template seen in the Greek alphabet.[175] This theory was developed as a means

167 Ibid, 266.
168 a/n: Herald of the National Museum of Bosnia and Herzegovina.
169 Kraljačić, *Kalajev režim*, 266.
170 a/n: monumental medieval tombstones found in Bosnia and Herzegovina and the border parts of Croatia, Montenegro and Serbia.
171 Marian Wenzel, *Ukrasni motivi na stećcima*, trans. Nada Miletić (Sarajevo: n.p., 1965), 15.
172 Petar Đorđić, *Istorija srpske ćirilice, paleografsko-filološki prilozi*, 3rd ed. (Beograd: n.p., 1990), 129-132.
173 Đorđić, *Istorija srpske ćirilice*, 129-132. Isailović, *Pomen srpskog imena*, 267-268.
174 a/n: Bosnian Cyrillic.
175 Kraljačić, *Kalajev režim,* 267-268.

of suppressing the feeling of unity among Serbs in Bosnia and Herzegovina and Serbs in the free Serbian countries, but also as a basis for the theory that Serbs had immigrated to the territory of Bosnia and Herzegovina during the Ottoman occupation of the country.[176]

The foregoing elements of the national policy of the Austro-Hungarian occupation authorities in Bosnia and Herzegovina were limited to the administrative level and a narrow circle of intellectuals. In addition to this, the basic premises of national policy were to be brought down among the common people. This field had already been worked on during the preparations for the occupation. On the eve of the occupation, the Austro-Hungarian consul Konrad Vasić contacted Mehmed-bey Kapetanović, who was already known as an austrophile, in order to suppress the resistance against the Austro-Hungarian occupation. Kapetanović was the first Muslim from this area to state in a newspaper article from 1879 that there was a need to distance Muslims from Bosnia and Herzegovina from the Ottoman idea of a state.[177] In the brochure entitled *What do Mohammedans in Bosnia think?*, which was published in 1886, he explained his ideas in more detail. He believed that, in the national sense, all inhabitants of Bosnia and Herzegovina belonged to one, Bosniak nation, but, according to him, those that were to have a dominant role in the future development of Bosnia and Herzegovina were Muslims, or even more specifically, the Muslim nobility as "guardians of state tradition" and as an element that due to their "Bogomil origin" would represents a *link* with the Bosnian Middle Ages.[178] He especially emphasized the role of the Ottoman beys as "descendants of Bosnian Bogomils" in Bosnia and Herzegovina, because according to him, they had faithfully served the sultan, so they would faithfully serve Austria-Hungary as well. He was the first Muslim to insist on the "Bogomil origin" of the Muslim nobility in Bosnia and Herzegovina. Insisting on these theses had several objectives. The first is certainly a confirmation of the privileged position in the new state, the second is the separation of Muslims from the Turkish idea of a state, and the third is the revival of the "Bosnian medieval tradition" among Muslims. A significant number of Muslim beys agreed with his views, thus *Bosnische Post*[179], which was a government body, published their opinions supporting Mehmed-bey's views.[180]

In the same line with the government's national policy was Kosta Hörmann, a government official who collected and published Muslim folk poems. The fact that Herman's activity was directed by the Government and the Joint Ministry of Finance is evidenced by their correspondence related to the financing of the printing of this work. Representatives of the Joint Ministry of Finance decided that the work should be printed at the expense of the state, which, they believed, would create the impression among the Muslim population that the government cares about their spiritual heritage. The deeper meaning of government's

176 Ibid, 266-267.
177 Ibid, 196.
178 Ibid, 196-197.
179 a/n: a German-language daily newspaper in Bosnia and Herzegovina.
180 Kraljačić, *Kalajev režim,* 197.

generosity when it comes to this project can be seen in the recommendations on how to write a preface to this collection. It was to be emphasized that only Muslim poems were being printed because they were unknown, unlike Christian poems that had already been published by then. The poems were to be presented as the heritage of a group that, due to Muslims' Bosnian origin, represented a combination of the old Bosnian heritage and Muslim customs. The basic premise of such suggestions was to revive the "pre-Islamic Bosnian tradition" which, in conjunction with Islam, would give rise to a separate national group in Bosnia and Herzegovina.[181]

In addition to all this, there was a need to launch a journal that would be in line with the government's national policy. This task was entrusted to Mehmed-bey Kapetanović. However, before launching such a journal, it was necessary to form a favorable social climate in which the government's policy would have the best possible reception. At the end of the 1980s, an oncoming new wave of the Serbian national movement was felt. The reason for this new momentum can be found in the increasingly frequent Serbo-Croatian disputes that were waged in the monarchy itself, but above all in the succession of generations in Bosnia and Herzegovina itself. The generation of Serbian national workers who carried the burden of the uprising was worn out and they reduced their activity mainly to preserving the existing national characteristics, such as the struggle for the national name of the language and the use of the Cyrillic alphabet, but they had no strength for further national work. It was at this time that a generation stepped on the scene that had come from a different social environment, from, truth be told, a thin layer of Serb citizens, mainly from trading families. This generation was more interested in specific political work with much clearer national programs.[182] On the other hand, the attitude of the representatives of Muslims and Roman Catholics in Bosnia and Herzegovina also depended on the strengthening of the Serbian national movement. A number of their leaders saw themselves as part of the Serb national community, while others, mainly on the basis of religious exclusivity among Roman Catholics, and on the basis of social prejudices inherited from the Ottoman period among Muslims, needed to distance themselves as much as possible from Serbs. It was these facts that shaped the climate within which it was possible to pursue Bosnian national policy. In order to forestall outside influences, the Austro-Hungarian occupation regime allowed the launch of the Serb political journal entitled *Napredak*[183].[184] At the same time, the regime increased subsidies to the Croatian political journal entitled *Glas Hercegovca*[185].[186] These two journals led relentless discussions on national topics, which resulted in the deepening of the gap between these communities, and also the confirmation of the government's position that a solution to the national issue should be sought outside the Serb national variant.

181 Ibid, 198-199.
182 Ibid, 217-218.
183 a/n: Progress.
184 Kraljačić, *Kalajev režim,* 220-223.
185 a/n: Herald of Herzegovinians.
186 Kraljačić, *Kalajev režim,* 223.

In the political atmosphere that was created, a journal entitled *Bošnjak*[187] was launched in 1891[188] with the aim of suppressing the Serbian national movement outside the Orthodox population and pointing to the existence of an alternative to the Serbian national movement, which had up to that point been the only one with roots in the pre-Austro-Hungarian period. The basic function of the Bošnjak was to spread the Bosnian national ideology. From in the national sense, the Bošnjak advocated the view that all the inhabitants of Bosnia and Herzegovina were Bosniaks, but that Muslims, as the "heirs of the medieval Bogomils", took precedence. The emergence of the Bošnjak was aimed at supporting the government's policy of suppressing the Serbian national movement, which they planned to, at the very least, channel within the borders of the Monarchy of Bosnia and Herzegovina so that it could not spread outside the Orthodox population. The editorial policy was aimed at favoring a positive image of the situation in Bosnia and Herzegovina. On the other hand, the Bošnjak reported almost exclusively on negative occurrences in Serbia and Montenegro, and when it came to occurrences that struck simultaneously in Serbia and Bosnia and Herzegovina, such as drought and its consequences on agriculture, the editorial board on the one hand favored the measures taken by the Austro-Hungarian administration with the aim of mitigating the consequences, while on the other hand, they reported on Serbia as if no state measures were being taken there. In the second issue of the journal, the editorial board published a program poem by Safet-bey Bašagić, which became a constant in Bosniak politics in the following decades.[189] One of Bošnjak's basic interests in the creation of the Bosnian nation was the preservation of social privileges inherited from the Ottoman period, which is evident from the position that Bosnian nationality had to be protected so that Muslims, as centuries-old masters of the country, would not become "servants of their former servants and serfs".[190]

After a decade of struggle, the new generation of Serb politicians achieved church and school autonomy, and through this struggle, they made a significant shift in the field of communication with a part of the Muslim elites who were not satisfied with the government's identity policy.[191] Due to this, the occupation administration was forced to abandon the already rigid policy of the Bosnian nation at the beginning of the 20th century, and also to seek new forms of opposition to the Serbian national movement. It was evident that war against Serbia was inevitable, thus they began seeking an appropriate reason to attack. It seemed that war would break out in 1903 after the May Coup in which King Aleksandar Obrenović had been killed and the Karađorđević family came to power. Then it seemed that the period

187 a/n: Bosniak.

188 Kraljačić, *Kalajev režim*, 224.

189 "You know, Bosniak, 'twas no so long ago / I swear by everythng there is, not fifteen years have passed / From a time when in our proud Bosnia / And Hercegovina, the land of the valiant / Al the way from Trebinje to Brod / There existed no Serbs nor Croats / And now, through their caprices / Both those strangers expand as if they are home / And another thing a skilfull eye / And another thing a skillfull eye / Brave pride and a heroic heart / Stare at in amazement / Both those guests come down upon us / To take from us what is most precious / Our proud and dear name". S[afet-beg] B[ašagić], "*Bošnjaku*," Bošnjak, no. 2, July 9, 1891.

190 Kraljačić, *Kalajev režim,* 227.

191 Ibid, 267-429.

of the annexation crisis of 1908-1909 could have potentially been used for starting a war. Finally, the situation became very much worse during the Balkan Wars. In all these situations, Austro-Hungarian diplomacy was on a knife edge, and the war was avoided thanks to the leniency of Tsarist Russia. During all this time, that is, towards the end of the first decade of the 20th century, a generation educated at great European universities appeared on the scene in Bosnia and Herzegovina, leaning towards the Yugoslav concept of solving the national question, and in that process it was ready to use revolutionary means and political violence. It was this generation of mainly Serb school-age children and students that organized and carried out the Sarajevo assassination of Archduke Franz Ferdinand, on *Vidovdan*[192], 28 June 1914.[193]

The Sarajevo assassination served the military structures in the Austro-Hungarian Monarchy as an excuse to attack the Kingdom of Serbia. In the war plans of the attack on Serbia, military circles in the Monarchy counted on a possible Serb uprising in Bosnia and Herzegovina and therefore in 1906 decided that the upcoming attack on Serbia had to go across the Drina, even though this direction was incomparably less favorable than the one across the Sava and Danube.[194] This decision was based on a political objective; it was necessary to use the situation in which the population would find itself at the moment when Podrinje became a zone of direct military operations for the persecution of the Serb population. That is exactly what happened. When the Austro-Hungarian army withdrew after the defeat at Cer, the main task of the *Schutzkorps*[195] was not to allow the Serb population from Podrinje to withdraw with the army towards central Bosnia. When the Austro-Hungarian counter-offensive followed and the Serbian army withdrew from Bosnia, the Schutzkorps forced a significant part of the Serb population to withdraw with the Serbian army to the right bank of the Drina.[196] This behavior from World War I became a kind of pattern for later periods as well.

The assassination was immediately followed by arrests of all prominent Serbs in Bosnia and Herzegovina, who served as hostages to be shot in case a more massive Serb movement occurred. In a short time, all the assassins and people who in any way helped carry out the assassination were arrested. Their trial was organized in October 1914 in Sarajevo.[197] This was only the first of seventeen trials in which Serbs were tried on charges of high treason. The most famous of these trials of high treason was held in Banja Luka a year later, at which 156 prominent Serb political and cultural workers were tried.[198] In addition to these collective trials, the Austro-Hungarian authorities conducted a series of individual trials. A significant phenomenon in these trials were the trials of minors or even children for simple insults uttered at the expense of the emperor or the state. Due to these proceedings, the entire phenomenon was in historiography called the "Austro-Hungarian fear of children".[199]

192 a/n: St. Vitus Day.
193 Bataković, *Nova istorija*, 245-247.
194 Ekmečić, *Dugo kretanje između klanja i oranja*, 354.
195 a/n: an auxiliary volunteer militia established by Austro-Hungarian authorities in the newly annexed province of Bosnia and Herzegovina to track down Serb opposition, while its main victims were civilians.
196 Ekmečić. *Dugo kretanje između klanja i oranja*, 354.
197 Đorđe Mikić, *Austrougarska ratna politika u Bosni i Hercegovini 1914-1918* (Banja Luka: n.p., 2011), 85.
198 Mikić, *Austrougarska ratna* politika, 19.
199 Borivoje Milošević, *Srpska pravoslavna crkva i sveštenstvo u Bosni i Hercegovni u Prvom svjetskom ratu*

A special type of measures directed against Serbs in Bosnia and Herzegovina were concentration camps to which, in addition to prisoners of war, women and children, and quite often entire families, were sent as well. The most well-known camp for Serbs during World War I was Arad in today's Romania.[200] In Bosnia and Herzegovina, from December 1915 to July 1917, there was a camp in Doboj.[201] After the collapse of the Serbian defense in the fall of 1914, German and Austro-Hungarian troops occupied Serbia, and in January 1916, the Montenegrin army capitulated. Since in Serbia and Montenegro there was a large number of Serb refugees from Bosnia and Herzegovina who had been expelled from the border areas, Podrinje and eastern Herzegovina, at the very beginning of the war or those who fled to Serbia in order not to be recruited into Austro-Hungarian formations and sent to the Serbian Front, after the occupation of Serbia and Montenegro, these people were arrested and sent to the Doboj camp. Some of them were sent further, to other camps on the territory of the Monarchy. It is estimated that during the time of the existence of the camp in Doboj, more than 45,000 people passed through it, and that more than 12,000 people, including thousands of women and children, lost their lives in it.[202] In a state of such a difficult war legacy, religious exclusivity, those social distances inherited from the Ottoman period of Bosnia and Herzegovina became part of the Kingdom of Serbs, Croats and Slovenes.

3.3. Period of the Kingdom of Serbs, Croats and Slovenes / Yugoslavia

The new state, based on the Yugoslav idea, was created late in 1918. As a matter of fact, during the last decades of the 19th century, together with the development of national ideas, the idea of the unity of the South Slavic tribes that would make up one Yugoslav people, according to which the basic difference between them was of a religious nature, had been developing as well. As the collapse of the Austro-Hungarian Monarchy was nearing, the Yugoslav idea was becoming more and more popular, above all, among the youth, so that at the very beginning of the war its realization became the crucial war objective of the Kingdom of Serbia.

The new state faced a number of problems. There were two revisionist states that it bordered, Hungary and Italy, which, dissatisfied with the outcome of the peace negotiations, claimed parts of the Yugoslav territory. Internally, the problems were multi-layered. A part of the country was war-torn and destroyed by the bad occupation administration, the area of Serbia had suffered huge war losses in manpower and parts of the country were backward due to the centuries they had spent under Ottoman occupation administration. These problems were further burdened by the Croatian national question. As a matter of fact, the interwar period was at the same time a period during which Croatian nationalism shifted from the elite to the mass type. Arising from a right-wing ideology according to which the Croatian state laid

(Andrićgrad –Višegrad: n.p., 2016), 69-71.

200 Milošević, *Srpska pravoslavna* crkva, 113-120.

201 Ibid, 107-113.

202 Ibid.

claims to territories that had belonged to the Hungarian crown in any period, and on which only the Croatian political people could exist, Croatian nationalism went through several stages. The first stage, which spanned the period until the end of the nineteenth century, was marked by the formulation and promotion of ideas among the circles of the small middle class and part of the school-age and student youths. The second stage spanned the period from the beginning of the 20th century to the end of World War I, and this was the period of coalition of the Party of Rights[203] with the Croatian clergy, which resulted in the thus formulated national ideology being brought down among the people and the incorporation of right-wing ideas into the political programs of all political parties that strove towards the establishment of an independent Croatian state. The third period was filled with the struggle for the separation of "Croatian states" from the Kingdom of Serbs Croats and Slovenes / Yugoslavia and the formation of the Croatian state. The bearer of Croatian nationalism in this period was the Croatian Peasant Party[204] (HSS).[205] At the same time, dissatisfied with the way the Croatian issue was resolved within the common state, one of the leaders of the Croatian Party of Rights, Ante Pavelić, emigrated and abroad he formed the Ustasha terrorist organization. He was given refuge by Hungary and Italy, where terrorist training camps were set up without let or hindrance. This organization tried to commit several terrorist acts on Yugoslav territory, but they were unsuccessful. Their biggest and most important terrorist act was the assassination of King Aleksandar Karađorđevic in Marseilles in 1934.[206]

The period between the two world wars, when it comes to the area of Bosnia and Herzegovina, was marked by the agrarian reform which finally disempowered the remnants of the Ottoman bey power in this area, but the political traditions of Muslims were at that time upgraded by pan-Islamic ideas of the Muslim Brotherhood, ideas that marked Muslim political activity up until the end of the 20th century.[207] Just how politically significant this

203 a/n: in Croatian *Stranka prava.*

204 a/n: in Croatian *Hrvatska seljačka stranka.*

205 Dušan Berić, *Hrvatsko pravaštvo i Srbi* (Novi Sad: n.p., 2005). Vasilije Krestić, *Genocidom do velike Hrvatske* (Jagodina: n.p., 2002).

206 Srđa Trifković, *Ustaše: Balkansko srce tame na evropskoj političkoj sceni* (Beograd: n.p., 1999).

207 After the disappearance of the Ottoman Empire and the creation of a republic in Turkey, the Islamic religious and educational center was moved from Istanbul to Cairo to one of the most prestigious Islamic faculties, Al-Azhar. The Muslim Brotherhood was also formed here, with the aim of uniting all the Muslims of the world into one identity entity. In that period, several very important religious and political professionals from the area of today's BiH were educated at this university, and upon their return to the country, they formed the association Al-Hidayah, and within it, a youth section called Young Muslims. In the first generation of students who later had the greatest influence on the development of the Islamic thought in Bosnia and Herzegovina were: Šaban Hodžić, Alija Aganović, Mustafa Gljiva, Besim Korkut, Derviš Korkut, Mehmed Handžić, Muhamed Fočak, Kasim Dobrača, Ahmed Smajlović, Akif Handžić, Fadil Čokić, Bahrija Mulabdić i Ahmed DŽemal Dervišević. From this first generation alone, almost all of them were connected through the organization of Al-Hidayah and through mutual relations and functions in the Riyaset of the Islamic Community in the Kingdom of Serbs, Croats and Slovenes, the Independent state of Croatia and later Yugoslavia. A student that particularly stood out among the second generation of students at Al-Azhar was Hussein Effendi Đozo, one of the founders of the Al-Hidayah, a well-known imam of the 13th SS Khanjar Division in the war, and after the war one of the prominent modernist Islamic thinkers and Tito's translator for the Arabic language on his journeys in the Middle East. In the youth section Young Muslims, a person who played a very important role was Alija Izetbegović, who as a young man was formed on the

topic was can be seen from the fact that the Muslim intellectual and political elite, at the moment when it was already becoming clear that the central powers were losing the war, asked the Hungarian parliament to make Bosnia and Herzegovina an integral part of Hungarian territory, convinced that through its potential autonomous status they would preserve their privileged rights.[208]

Alone and in a revolutionary way, the peasants in Bosnia and Herzegovina, at the end of 1918, tried to resolve the agrarian question, which led to anarchy and violence in certain parts of the state. On 26 November 1918, the People's Council of the unrecognized state of Slovenes, Croats and Serbs, which had existed for only a month in the South Slavic area that had been part of the Austro-Hungarian monarchy until then, decided to abolish serfdom. With the creation of the nation-state and the entry of the Serbian army into the territory of Bosnia and Herzegovina, the peasants believed the national question had been resolved, and with it the agrarian one as well, and they equated national liberation with economic freedom. They gave up paying taxes, torched beys' *chardaks*[209] and destroyed their property. There were also cases of violence in which Muslim feudal lords lost their lives. The resolving of the agrarian question was set as a priority in the newly established Kingdom.[210] The new government tried in every way to prevent anarchy, and on 6 January 1919, Regent Aleksandar Karađorđević called on the peasants to wait calmly for the agrarian reform that was to follow soon. In the "Official Gazette" of the Kingdom of Serbs, Croats and Slovenes, on 27 February 1919, the Order for the preparation of the agrarian reform was published, which abolished feudal relations in Bosnia and Herzegovina and declared serfs the owners of the land they farmed. By this provision, the state undertook to pay compensation to the former aghas and beys.[211] At the beginning of 1921, the royal government agreed with the Yugoslav Muslim Organization on how to resolve the peasant question by deciding to pay compensation to the former feudal lords in the amount of 255,000,000 dinars, out of which 125,000,000 dinars were paid in cash and 130,000,000 in government bonds. This amount was paid in full by the Agrarian Directorate of Bosnia and Herzegovina for serf settlements of 6,800,000 *dunums*[212] in favor of 68,000 serfs. The issue of the beys' lands was much more difficult to resolve, since twice as much money should have been allocated for them. In May 1921, the government issued a decree that was to resolve the issue of beys' lands, according to which the government would allocate one part of the money to buy the land, and beys' servants, the peasants themselves, would have to buy a part of the land in agreement with the feudal lords. This decree proved to be incomplete, thus most of the beys' estates remained the property of the feudal lords.[213]

ideological principles of the Muslim Brotherhood, but also who focused his entire political activity on the realization of the ideas of radical Islam.

208 Enver Redžić, *Muslimansko autonomaštvo i 13. SS divizija: Autonomija Bosne i Hercegovine i Hitlerov Treći Rajh* (Sarajevo: n.p., 1987), 10.

209 a/n: typical old wooden houses in the Balkans that were once a symbol of wealth.

210 Đorđe Mikić, "Agrarna reforma u Bosni i Hercegovini," *Enciklopedija Republike Srpske*, vol. 1 (Banja Luka: n.p., 2017), 43.

211 Branko Petranović and Momčilo Zečević, *Jugoslavija 1918-1988: Tematska zbirka dokumenata* (Beograd: n.p., 1988), 275-277.

212 a/n: Ottoman unit of area representing the amount of land that could be ploughed by a team of oxen in a day, although the new or metric dunam has been redefined as exactly one decare (1000 m2).

213 Mikić. "Agrarna reforma," 43.

Representatives of the Ottoman beys that had been dispossessed by the agrarian reform, who gathered mainly around the Yugoslav Muslim Organization, after the death of its founder and longtime president Mehmed Spaho, began joining the Croatian Peasant Party in order to regain economic and political status in the new Croatian state and, practically as a rule, they formed its right-wing wing that in the period of the creation of the Independent State of Croatia mainly joined the Ustasha movement. In this way, there was a kind of fusion of two ideologies that saw the realization of their goals in the disappearance of the Kingdom of Serbs, Croats and Slovenes / Yugoslavia.

In the period from the beginning of the 19th century until the beginning of World War II, the area of Middle Podrinje went through several stages. After centuries of gradually losing importance during the Ottoman occupation, the importance of this area as a border area was renewed during the Serbian Revolution. As there was the idea of protecting the remaining Ottoman territory and, as it turned out, fighting against the Serb national movement, Muslims who, according to the agreements, had to leave the territory of the renewed Serbian state were settled along the border. Part of that population was settled in this area as well.[214] This resulted in the strengthening of the Muslim element along the border and the dismantling of the homogeneous, mostly Serb territory in Podrinje. The same thing was done in the period of the Austro-Hungarian occupation when mainly Roman Catholic agricultural population was being settled there, which was one of the strategic objectives of the occupation and the backbone of the Austro-Hungarian occupation policy. It has already been mentioned that the attack on Serbia went across the Drina so as to forestall a potential Serb uprising, but also to carry out ethnic cleansing of Serbs in the Podrinje.[215] All these measures taken by the occupation authorities resulted in a deepening of the distance between members of different religions in the area of the Middle Podrinje. When the unrest and dissatisfaction with the implementation of the agrarian reform in Bosnia and Herzegovina, which dispossessed the remnants of the Ottoman beys, for which Serbs were mostly accused, are added to all that, it becomes apparent that the period from the beginning of the 19th century to the beginning of World War I was spent in situations of constant and increasing tensions.

3.4. Srebrenica during World War II

Before the war, there were the same number of Serbs and Muslims living in Srebrenica.[216] The German army entered Srebrenica in mid-April 1941, and shortly afterwards a Croatian Home Guard detachment entered the town and was welcomed with enthusiasm by the Muslim population, while the welcome speech was given by the local *hodja*[217] and former

214 Ristanović, *Reka Drina*, 260.

215 Ekmečić, *Dugo kretanje između klanja i oranja*, 352.

216 According to the 1931 census, a total of 35,210 residents lived in the Srebrenica district, 17,766 of whom were Orthodox (50.46%), 17,332 were followers of Islam (49.23%) and 109 were followers of other and unknown religions. (0.31%). Dragan Cvetković, "Srebrenica u Drugom svetskom ratu – numerička analiza stvarnih ljudskih gubitaka," *Tokovi istorije*, no.3 (2019): 65.

217 a/n: a Muslim cleric or schoolmaster.

MP Ismet Bektašević[218]. The same welcome was arranged in Bratunac. After the establishment of the Independent State of Croatia, all authorities in the Srebrenica district were made up of local Muslims in whom the newly created state found strong support. Also, the newly formed units in Srebrenica and Bratunac were made up of local Muslims as well as led by them. In Srebrenica, the Serbian Orthodox Church was the first to come under attack. The parish house was turned into an Ustasha command building, and it was ordered that the monument to one Serb World War I commander was to be torn down[219]. Priests were forbidden to hold services, and in May their expulsion, arrests and deportation to the Caprag camp began. The arrests were accompanied by constant torture, and five priests were killed. They took priest Dragomir Maksijević's eyes out, cut off his ears and peeled the skin from his back.[220]

Alongside the clergy, prominent Serbs began to be terrorized as well. Arrests, robberies, murders and the taking of Serbs to camps became daily occurrences, often accompanied by bestial and psycho-pathological outbursts of hatred, all of which was illustrated by religious expression and the symbolism of forced identity. The Muslim Ustashas did not stop at this, so that under the pretense that they were looking for weapons and Chetniks, they invaded Serb villages, looted and raped. All this was accompanied by murders of children, women and the elderly. In Podravlje alone, Muslim Ustashas led by Jašar Ibrahimović killed 30 Serbs.[221] It is interesting that, in contrast to other parts of the Independent State of Croatia where Serbs were invited to convert to Roman Catholicism, in the area of the Srebrenica district, Serbs were invited to convert to Islam and to, by doing that, by renouncing themselves, save themselves.

In the first half of August, in the warehouse of the agricultural cooperative in the village of Drinjača, the Ustashas slit the throats of several dozen prominent Serbs from Drinjača and its surrounding area over one barrel. Even though Drinjača was part of the Zvornik district, most of the victims in this crime were Serbs from the Srebrenica district. The victims were forced to undress and were then brought to the barrel, their throats slit and their blood caught in the barrel. According to the testimonies, the cutthroats' intention was to send the barrel as a gift to Poglavnik[222] Pavelić. After Srebrenica and its surroundings were briefly liberated on 18 August by insurgent forces, the insurgents entered the warehouse in which they found a horrible sight. "The entire room, including the ceiling, was splattered with human blood. On

218 For more on the activities of local Islamic leaders and MP Bektašević, see: Cvetko Stojkanović, "Stradanje srpskog naroda Osata u Velikom ratu 1914-1918. godine," in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014), 13-27.

219 For more on the suffering of Serbs in the Srebrenica district during World War I, see: Gojko Malović, "Neki slučajevi netrpeljivosti i zločina muslimana prema Srbima u Srebreničkom srezu između dva svjetska rata," in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014), *29-33.*

220 Radovan Pilipović, "Izveštaji srpskih izbeglica iz Srebreničkog sreza 1941-1943. godine u Arhivu Srpske Pravoslavne Crkve," in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014)*,* 49, 51.

221 Draga Mastilović, "Pokolji Srba u Srebrenici u Drugom svjetskom ratu," in proceedings of the 6th international conference *Jasenovac: Genocid i zločini Nezavisne države Hrvatske nad Srbima, Jevrejima i Romima u Drugom svjetskom ratu* (Banja Luka: n.p., 2014), 409-413.

222 a/n: meaning *princeps* or *Chief* – used by Ante Pavelić, leader of Ustasha movement, between 1941 and 1945.

one side of the warehouse, there is one rather large open barrel, in which about 150 liters of human blood was found."[223]

The continuation of Ustasha crimes was for a short time prevented by the outbreak of the uprising. A Chetnik detachment led by Lieutenant Kamenko Jeftić was formed in the vicinity of Srebrenica. This detachment, in cooperation with the Vlasenica Chetnik Detachment, briefly liberated Zvornik as well on 22 September 1941. As the quelling of the uprising was not successful, in the second half of January 1942, the German command launched an offensive in Podrinje, in which the 342nd and 718th Infantry Divisions took part. As early as 17 January, parts of the 342nd Division entered Srebrenica. During this offensive, the Ustashas committed numerous crimes in Podrinje, and over 5,000 Serbs fled across the Drina to Serbia, where they found refuge. However, this offensive failed to quell the uprising. In the Middle Podrinje, the uprising was particularly vigorous around Srebrenica and Bratunac. The insurgents were joined by the Cer detachment that consisted of about 1,000 Chetniks led by Dragoslav Račić. They crossed the Drina with the aim of preventing the suffering of Serbs. As early as 3 February, the Chetniks liberated Nova Kasaba. Numerous insurgent actions in this territory lasted until the first half of March. However, at the beginning of 1942, there was a more distinct stratification of the insurgents into partisans and Chetniks, which grew into mutual conflicts. This further weakened the strength of the insurgents. The Partisans carried out their offensive against the Chetniks under the command of Major Jezdimir Dangić from 4 to 20 March 1942.[224] During the offensive, the Proletarian Task Force (the 2nd Proletarian NOU[225] Brigade and three battalions of the 1st Proletarian NOU Brigade) defeated Višegrad, Krajina, Rogatica, Srebrenica, Vlasenica and Zvornik Chetnik detachments and liberated several towns (Vlasenica, Srebrenica, Bratunac). In Srebrenica, the partisans formed the Srebrenica Volunteer Detachment of the People's Liberation Army out of parts of the broken Srebrenica Chetnik detachment.

A new enemy offensive called *Trio* began on 15 April 1942.[226] The divided insurgents were unable to offer stronger and more effective resistance. Shortly before this operation, the Ustasha Black Legion under the command of Jure Francetić began its operation of cleansing Eastern Bosnia. In early April, the Black Legion arrived in the Srebrenica district. During the

223 Bojan Đokić, "Pokolj u magacinu Zemljoradničke zadruge u Drinjači 1941. godine – nad buretom krvi" in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014), 37-38.

224 Stefan Stanojević, "Prodor Francetićeve Crne legije ka Drini i pokolji u Bratunačkom i Srebreničkom kraju u proljeće 1942. godine," in *Zločini "Crne Legije" 1945-1943. godine u Istočnoj Bosni* (Srebrenica: n.p., 2016), 20-23.

225 a/n: People's Liberation Task Force.

226 "Instrukcije komandanta Operativnog štaba Borbene grupe Bader od 10. aprila 1942. potčinjenim nemačko-italijansko-ustaškim jedinicama za preduzimanje i vođenje zajedničkih operacija Trio protiv NOP i DV Jugoslavije u istočnoj Bosni [Instructions of the commander of the Operations Staff of the Bader Combat Group, dated 10 April 1942, to the subordinate Italian-Ustasha units to undertake and carry out joint operations Trio against the People's Liberation Movement and the Volunteer Army of Yugoslavia in eastern Bosnia]," in *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Knjiga 2: Dokumenti njemačkog Rajha 1942.* [Collection of Documents and Data on the People's Liberation war: Book 2: Documents of the German Reich 1942], vol. 12 (Beograd: n.p., 1976), 285.

joint German-Ustasha offensive, the Serbs were massacred within a month, primarily those who were helpless, that is, women, children and the elderly. As they were fleeing, the people of Srebrenica got together with the refugees from the territory of the Rogatica, Vlasenica and Kladanj districts. The refugees tried to cross the Drina. Ustashas caught up with the majority of refugees were on the Drina and ruthlessly killed them there. The exact number of people who were killed on the Drina during April and May has never been determined, but estimates range between 4,000 and 6,000 Serbs. German General Staff Colonel Kevis also wrote about this in his report.

> The crossing of the Drina on their way to Serbia could not have been prevented for the Serb refugees – almost exclusively women and children – in part due to the poorly occupied border on the Drina. Croatian Ustasha and police units massacred a large number of refugees who were rushing towards the Drina and threw a number of them into the river. Famine and typhus ravage those who managed to flee to Serbia.[227] ‘

With the withdrawal of the Chetnik, partisan and volunteer units which could not resist the Ustashas and the Germans, the unprotected people were left to the Black Legion, which massacred refugees and cattle on its march towards the Drina, leaving almost no one alive. In the ranks of the “black-shirted”, there were also Ustasha Muslims, who did not lag behind the Croats when it came to atrocities. The Ustashas caught up with refugees, women, children and the elderly near the village of Bjelovac on 13 April 1942 and they massacred several hundred of them there. Most of the bodies were thrown into the Drina River, and some victims were forced to jump half-alive into the Drina where certain death awaited them. Those refugees who had already fled to Serbia were fired on by the Ustashas with machine gun and artillery fire. On the river itself, a boat carrying nine children, six women and four rafters was sunk by a mortar shell. Two days later, an officer, a member of Nedić’s state guard, toured both banks of the Drina around the village of Bjelovac and reported that while walking along the river he came across the remains of dismembered bodies of women and children, as well as dogs that were carrying body parts around. According to the collected data, between 12 and 16 April 1942, 2,462 people (exclusively women, children under the age of ten and the elderly) were killed on the part of the banks of the Drina ranging only from Zvornik to the village of Bjelovac.[228]

227 “Desetodnevni izveštaj komandujućeg generala i komandanta u Srbiji od 20. aprila 1942. komandantu oružanih snaga na Jugoistoku o vojno-političkoj situaciji, aktivnosti partizana i obostranim gubicima u Srbiji i u Bosni [Ten-day report of the commanding general and commander in Serbia, dated 20 April 1942, to the commander of armed forces in the Southeast about the military-political situation, partisan activity and mutual losses in Serbia and Bosnia],” in *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Knjiga 2: Dokumenti njemačkog Rajha 1942.* [Collection of Documents and Data on the People’s Liberation war: Book 2: Documents of the German Reich 1942], vol. 12 (Beograd: n.p.., 1976), 307.

228 Đorđe Pilčević, “Izbjeglice u Račanskom srezu 1941. i 1942. godini i zločini ustaške Crne legije u Istočnoj Bosni,” in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014), 57-58.

Immediately after entering Srebrenica, all Serbs who did not flee were liquidated, and the nearby Serb villages of Potočari and Vijogor were torched. After this, other Srebrenica villages came under attack. In the area of Sućeska, 50 women, children and elderly were killed; in the area of Hranača in the village of Zagoni, 17 houses were set on fire, and three women and a one one-year-old child were thrown into one burning house. Murders were also committed in the area of the villages of Sase, Osatica, Crvica and Ratkovići. About 200 people were killed in Fakovići, after which they were thrown into two pits. In the village of Karno, all people who had stayed behind were liquidated, and even children in cradles were not spared. 58 Serbs were killed in the village of Skelani. In the area of the village of Banjevići, using machine guns, the Ustashas killed 100 Serbs on one meadow. Then they went through the village and killed everyone they found. In case they found a sick or immobile person in a house, they did not kill them, but instead they set the house on fire. Around 60 Serbs were killed in this way. In the area of Kravica, all villages were torched, and they slit the throats of 111 Serbs.[229] To help the Black Legion commit the crimes as quickly and efficiently as possible, local Muslims guided it. They often joined the committing of the crimes. The worst massacre in the municipality of Kravica happened in the village of Ježeštica, regarding which the following was stated in the documents of the State Commission,

> In Ježeštica, the Ustashas committed the greatest massacre in terms of the number of victims. During the day, the Ustashas would go around the village and capture people, and at night they would take them to a brook and there they would slit their throats. The victims were first horribly tortured: girls' breasts were cut off, peoples' body parts were cut off, and then their throats were slit. In this very village, the Ustashas buried people more than once, and they always took people to different locations near the brook and there they committed their bloody deeds. Only one 75-year-old woman happened to survive one such massacre; stabbed by an Ustasha dagger, she had rolled down into the river and managed to live for another 24 hours and was able to describe the massacre. The massacre in this village was committed by the local Ustashas, the so-called 'Šušnjari' Legion, commanded by Mustafa and Atif Ademović from Šušnjari.[230]

After the Black Legion passed through them, the villages of Srebrenica were practically deserted. However, the departure of the Black Legion did not mean an end to the suffering of the inhabitants of those villages. Throughout 1942, the villagers were subjected to constant torture by Muslim law enforcement bodies. The Muslim unit commanded by Omer Mustafić was particularly famous for its sinister deeds. This unit committed numerous massacres, killings, rapes and robberies of Srebrenica Serb survivors.

After the offensive, the new head of the district, Nikola Mlađenović, tried to implement the "policy of internal calm" which was carried out by the Independent State of Croatia under

229 Pilčević. "Izbjeglice u Račanskom srezu," 60-62.
230 Mastilović, "Pokolji Srba u Srebrenici u Drugom svjetskom ratu," 418.

the pressure of the Germans. He issued an order to reopen Orthodox churches, although there was no one who could hold services in them. A number of Serb refugees returned to Srebrenica and its surroundings and were guaranteed security. However, this policy was not pursued by the Muslim law enforcement, which, as we stated, continued to commit crimes. Moreover, Lieutenant Josip Kurelac, who was the commander of the 29th Standing Battalion in Srebrenica after Francetić's departure, the municipal mayor, Suljo Hajdar, and the commander of the Ustasha youth, Vera Franz, were preparing to exterminate the remaining Serbs.[231] The motive for these crimes was the partisan attack on Srebrenica on 11 June 1943. After a fight that lasted throughout the entire night, the partisans managed to liberate Srebrenica, from which they withdrew on 14 June without putting up a fight. The 19th Battalion, commanded by Kurelac, entered the abandoned town. The killing of the Serbs "with rifles, knives or axes" began immediately. Around 70 Serbs were killed, including Aganović, who was the president of the district court,[232] his wife and two children, as well as the only remaining Jewish family[233]. Muslims were also killed, whose only sin was that they had married Serb women. Children were not spared either. Two parts of this battalion passed through the villages of Zalazje and Vitlovac and in those villages they killed 105 people, including women and children. Eventually, 22 men from the village of Brežani were brought to Srebrenica and killed there.[234]

Even the local *jamia*[235] imam wrote to the Grand Mufti in Sarajevo about the crimes in Srebrenica,

231 Draga Mastilović, "Masakr Srba u Srebrenici, Zalazju, Brežanima i Vitlovcu 14. i 15. juna 1943. godine," in *Stradanje Srba srebreničkog kraja u 20. vijeku* (Srebrenica: n.p., 2014), 68.

232 This refers to Muhamed Aganović. His father-in-law Živojin Tričković stated the following about this crime. "On that occasion, several partisans stayed with my son-in-law. Soon, the Ustashas came and the partisans withdrew. When the Ustashas came, my son-in-law was in the yard with his seven-year-old son. As soon as Major Korelac saw him, he pulled out his rifle and killed my son-in-law and his son on the spot. In that moment, my daughter Zlata went outside with a small child of thirteen months in her arms and shouted, 'Villains, why did you kill my husband and child?' Reacting to that, Major Korelac pointed his rifle at her and killed her and her small child on the spot. When Kata, the maid, who was in the house with my son-in-law's five-year-old daughter Caka, heard this, she grabbed her and started running, but this villain fired at them as well, and wounded Kata the maid in the arm, and killed little Caka on the spot. That way, this Ustasha executioner extinguished my son-in-law and daughter's entire family line with his own hands. Thus, the victims of this crime are my son-in-law Muhamed Aganović, 34 years old, born in Jajce, follower of the Mohammedan faith, Yugoslav, a judge by profession, father of three, my daughter Zlata, wife of Muhamed Aganović, aged 31, born in Bela Palanka, Orthodox, Yugoslav, my grandson Esad, a seven-year-old child, my granddaughter Caca, a five-year-old child, my other 13-month-old granddaughter..." Testimony of Živojin Tričković, n.d. [no date], box 204, inventory no.7186/1, Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača fond, Archives of Bosnia and Herzegovina, Sarajevo, Bosnia and Herzegovina.

233 This refers to the family of a dentist, Samika Sion. This family was killed in a gruesome way. Ustasha sergeant Mijo Mijačević, accompanied by more Ustashas, invaded their house and then he ordered the dentist, his wife and two children (brother and sister, Moniko and Sela) to lie on the floor, after which he chopped them up alive with an axe; wife and children first, and then Samika as well. Mastilović, "Masakr Srba u Srebrenici, Zalazju, Brežanima i Vitlovcu," 71-72.

234 "Izvještaj zapovjedništva Trećeg domobranskog zbora od 27. juna 1943. god. o ustaškim zvjerstvima prema stanovništvu u Srebrenici [Report of the 3rd Croatian Home Guard Corps, dated 27 June 1943, about Ustasha atrocities committed against the population in Srebrenica]," in *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Knjiga 14: Borbe u Bosni i Hercegovini: Jun 1943* [Collection of Documents and Data on the People's Liberation war: Book 14: Combats in Bosnia and Herzegovina: June 1943], vol. 4 (Beograd: n.p., 1956), 526.

235 a/n: basic organizational unit for Muslims – consists of at least 100 Muslim households.

> That same day, our Ustashas entered Srebrenica and committed terrible bloodshed. They killed all Serb women and children, as well as all Serb males. Then they killed the Head of the court, Aganović Muhamed, and his wife and children, as well as the postal service trainee, Džemal P. from Sarajevo. After that, they headed towards the villages to kill the rest of the Serbs there. Srebrenica was looted again and endured Golgotha again.

The imam then noted in his letter that neither he nor his family would dare stay in Srebrenica "because there will be retaliation, and it will be just against us Muslims".[236] After these crimes, an investigation was conducted against Lieutenant Kurelac and subordinates before the Military Court in Sarajevo. The Court in Sarajevo acquitted all the defendants, even though a very extensive investigation procedure had been conducted and irrefutable evidence of their crimes was presented. On 14 and 15 June 1943, in Srebrenica, Zalazje, Brežani and Vitlovac, members of the 29th Standing Active Battalion killed at least 228 people. Among those victims there were eighty children, aged one to sixteen.

Individual or group killings continued during 1943 and 1944. People were being killed mainly by the Ustasha Muslim law enforcement personnel. They most often killed Serb returnees who, pressed by hunger, were trying to cultivate their own lands. During these years, some parts of the Srebrenica district were in the hands of partisans in one moment, and in the next one they were in the hands of Chetniks or Ustashas. The changes in which of the warring parties held the power led to more suffering of the Srebrenica Serbs. The situation for Serbs was further worsened when the infamous Franjo Sudar became the commander of one part of the Black Legion in Eastern Bosnia. One night in February 1944, his Ustashas stormed the village of Stanatovići and killed Radiša Simić, his wife and three underage children. That same evening, members of Jović family, which was a family of five, had their throats slit in the village of Mlečva, while Obrenija Subašić was killed in the village of Mandre. In June of the same year, after committing several murders in the villages of Srebrenica, Sudar's Ustashas first tortured and then raped Vida Prodanović, who died shortly afterwards as a result of the abuse. In the villages of Opravdičić and Brani Bačić, 80 Serbs either had their throats slit or were burned alive. This crime was committed by an Ustasha unit under the command of Mujo Omerčević. An Ustasha team under the command of Omer Mustafić tortured and killed seven Serbs in the village of Blažijevići. Practically, there exists no village in the area around Srebrenica in which the Ustashas did not commit any major crime or individual killings in 1944.[237] During August, the 13th Division of the SS Handschar also operated in the area of the Srebrenica district. Although it was clear that the war would end with the victory of the Allies and the collapse of the Third Reich and its satellites, the majority of the Muslims of Srebrenica were against the partisans, that is, against the anti-fascist resistance movements. Primarily, this was so due to the fact that the majority of those units' members were Serbs.

236 Mastilović, "Pokolji Srba u Srebrenici u Drugom svjetskom ratu," 425-426.
237 Mastilović, "Pokolji Srba u Srebrenici u Drugom svjetskom ratu," 429-431.

Accordingly, in a report of the 17th People's Liberation Task Force Division, the following was stated regarding the situation in the Srebrenica Partisan Detachment, "There is a chance that the Srebrenica Detachment will be strengthened, and thus far it has mainly consisted of Serbs. It is characteristic that Muslims still maintain their passive attitude and are not joining the Detachment."[238] The situation improved slightly in March 1945 because at that point, according to the partisans, "Muslims, due to the new situation in this area, became much more tolerant and they meet our needs. Until now, they were bound by blood to the Ustashas, since the majority of them are their sons. According to what some of the Muslims stated, one part of the Ustashas would surrender, but they are afraid of liability."[239] With the liberation of Srebrenica on 11 January 1945 by the Yugoslav People's Liberation Army[240], the abuse and killing of Serbs stopped. After four years of bloody suffering, the remaining Srebrenica Serbs welcomed the liberation.

The Commission for the Investigation of the Crimes of Occupiers and their Supporters registered 2,262 Serb victims in Srebrenica who were killed by the Ustashas during World War II. Of that number, 1,186 were children, women and elderly, and the majority, 1,115 of them, were killed with a knife, an axe or a blunt object.[241]

3.5. The April War of 1941

In the first years of World War II, the Government of the Kingdom of Yugoslavia pursued a neutral policy. However, as Hitler intended to bring the Balkans under his control, maintaining such a policy was no longer possible. By placing the Balkans under its control, Nazi Germany would secure the right flank of its army in the then upcoming attack on the Soviet Union (USSR), and with that it would also prevent a possible British penetration. Monitoring the developments in Europe and Nazi Germany's conquests, the Royal Yugo-

238 "Izvještaj Štaba Sedamnaeste NOU divizije od 2. marta 1944. Štabu Trećeg korpusa NOVJ o situaciji na sektoru Srebrenice [Report of the Staff of the 17th People's Liberation Task Force Division, dated 2 March 1944, to the Staff of the 3rd Corps of the People's Liberation Army of Yugoslavia about the situation in the sector of Srebrenica]," in *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu: Knjiga 23: Borbe u Bosni i Hercegovini: Mart 1944.* [Collection of Documents and Data on the People's Liberation war: Book 23: Combats in Bosnia and Herzegovina: March 1944], vol. 4 (Beograd: n.p., 1962), 56.

239 "Izvještaj Štaba Srebreničkog NOP odreda od 17. marta 1945. Štabu 3. korpusa JA o situaciji na prostoru Srebrenica – Bratunac [Report of the Staff of the People's Liberation Movement Srebrenica Detachment, dated 17 March 1945, to the Staff of the 3rd Corps of the Army of Yugoslavia about the situation in the area of Srebrenica-Bratunac]," in *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu: Knjiga 34: Borbe u Bosni i Hercegovini: Mart-maj 1945.* [Collection of Documents and Data on the People's Liberation war: Book 34: Combats in Bosnia and Herzegovina: March-May 1945], vol. 4 (Beograd: n.p., 1974), 312–313.

240 "Izvještaj Štaba 27. divizije od 1. februara 1945. Štabu 3. korpusa NOVJ za drugu polovinu januara o dejstvima na prostoru Vlasenica – Han Pijesak – Srebrenica [Report of the Staff of the 2th Division, dated 1 February 1945, to the Staff of the 3rd Corps of the People's Liberation Army of Yugoslavia for the second half of January about actions in the area of Vlasenica-Han Pijesak-Srebrenica]," in *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu: Knjiga 33: Borbe u Bosni i Hercegovini: Feburar 1945.* [Collection of Documents and Data on the People's Liberation war: Book 14: Combats in Bosnia and Herzegovina: February 1945], vol. 4 (Beograd: n.p., 1962), 39.

241 Mastilović, "Pokolji Srba u Srebrenici u Drugom svjetskom ratu," 431.

slav Government rightly expected that the country could be attacked. Therefore, a way was sought to avoid a potential conflict. Hitler made it clear to the regent, Prince Pavle, that he had to choose between war and pact. At that time, the Kingdom of Yugoslavia had long been surrounded by members of the Triple Alliance. British help could not be counted on. All these circumstances led to the signing of a pact with Germany. In Vienna, on 25 March, Yugoslav Prime Minister Dragiša Cvetković signed the accession protocol. Although the terms due to which the Kingdom of Yugoslavia joined the Triple Alliance were favorable (it was guaranteed that Yugoslavia would not be required to participate in war operations and that the military forces of the Triple Alliance would not cross the territory of the Kingdom), the people, primarily Serbs, were not satisfied with this decision.[242]

For the Serbs, for whom the great sufferings of the World War I were still fresh, any kind of cooperation with the Nazis was unacceptable. The army felt the same. A group of air force officers led by Generals Borivoje Mirković and Dušan Simović carried out a military coup on the night between 26 and 27 March 1941 – Dragiša Cvetković's government was overthrown, as was the regency of Regent Prince Pavle. Heir to the throne, Petar II Karađorđević, was declared an adult and put on the throne.[243] Reacting to the coup, the Prime Minister of the United Kingdom, Sir Winston Churchill, stated that Yugoslavia had "found its soul".[244] The USA also welcomed the events in Belgrade.[245] The next day, 21 March, demonstrations of support for the young King and the new government broke out throughout the Kingdom, and majority of them took place in areas where Serbs constituted the majority. They most often shouted slogans such as "better death than slavery[246]" and "better war than a pact[247]".[248] This development postponed Adolf Hitler's plans to attack the Soviet Union.

His attention was focused on the Kingdom of Yugoslavia, which he wanted to take revenge against for this *treason*. On the night of 5-6 April 1941, an agreement was signed between the Kingdom of Yugoslavia and the Soviet Union. The Kingdom of Yugoslavia recognized the Soviet Union, and in return the territorial independence and legal sovereignty of the Kingdom of Yugoslavia were respected. Furthermore, the Soviet Union obliged itself to side with the Kingdom of Yugoslavia in the event of a German attack on the same Kingdom.[249]

Hitler reacted ultimately decisively to the events of 27 March, with the intention of punishing the putschists in Belgrade. German diplomats informed him that the events in

242 *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1: Od sloma stare Jugoslavije do drugog zasedanja AVNOJ-a* (Beograd: n.p., 1957), 13-15.

243 *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1*, 16.

244 Branko Petranović and Momčilo Zečević, "Vinston Čerčil o 27. Martu [Winston Churchill on 27 March]," *Jugoslavija 1918-1988: Tematska zbirka dokumenata*, 162.

245 Branko Petranović and Momčilo Zečević, "Ruzveltova poslanica kralju Petru II [Roosevelt's letter to King Petar II]," *Jugoslavija 1918-1988: Tematska zbirka dokumenata*, 162.

246 a/n: in Serbian "*bolje grob nego rob*".

247 a/n: in Serbian "*bolje rat nego pakt*".

248 *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1*, 16.

249 Branko Petranović and Momčilo Zečević, "Pakt o prijateljstvu i nenapadanju između USSR i Kraljevine Jugoslavije [Friendship and non-aggression treaty between the USSR and the Kingdom of Yugoslavia]," *Jugoslavija 1918-1988: Tematska zbirka dokumenata*, 459.

Belgrade were distinctly Serb in character. To his endeavor to punish the Kingdom of Yugoslavia, Hitler added his personal anger and Serbophobia, which was a legacy from World War I, as well as the desire to establish peace in the rear areas and make up for the lost time he had planned to spend on the attack on the Soviet Union. The newly formed government in Belgrade rejected the Triple Alliance; it consisted of British supporters and was tied to Great Britain. Furthermore, the friendship between the Serb and Greek people was the basis for opening up the southern front against Nazi Germany. Hitler decided to attack the Kingdom of Yugoslavia. He counted on the help of Italy, Hungary and Bulgaria in breaking up the Kingdom of Yugoslavia.[250] Each of these countries had previously made territorial claims on some parts of the Kingdom of Yugoslavia. Moreover, they relied on the help of separatist movements (Croatian, Albanian and Macedonian) as well as on the German, Italian, Hungarian and Bulgarian national minorities on the territory of the Kingdom of Yugoslavia. Accordingly, as early as on 28 March, the Fascist dictator Benito Mussolini received the leader of the Croatian separatist movement, Ante Pavelić, giving him the necessary instructions. In the directive of the Chief of the German Supreme Command, Field Marshal William Keitel, only the "Serb government" was declared an enemy. The Germans also made it known that their army was not coming there as an enemy of Croats, Bosnians (meaning Bosnian and Herzegovinian Muslims) and Macedonians, but as a friend that would protect them from "Serb chauvinism". In his daily order, Hitler spoke with racist overtones about Serbs as inferior subjects, and called on the Germans to be as brave as their fathers who had fought on Serbian soil under Marshal Mackensen in the autumn of 1915.

Nazi Germany's attack on the Kingdom of Yugoslavia (Greece was attacked at the same time) began on the night of 5-6 April, with the capturing of Sip on the Danube. At dawn on 6 April 1941, Belgrade was bombed. Thousands of civilians were killed during the bombing (estimates range from 2,000 to 4,000) because residential neighborhoods and civilian buildings were systematically targeted. The National Library of Serbia was also destroyed, in which library material of inestimable value was burned. Larger cities such as Niš, Leskovac, Kragujevac, Novi Sad, Sarajevo, Mostar, Banja Luka, etc. were also attacked. The targets were accurately hit, mostly thanks to the Volksdeutscher network, but also to a defector from the Yugoslav Royal Air Force, Captain Vladimir Kren (who would later become a member of the Independent State of Croatia Air Force), who delivered plans with information on air force deployment throughout the country. A special contribution in the defense was made by the First Fighter Aviation Brigade of Yugoslav Royal Air Force, members of which clashed

250 "Zapisnik sa konferencije o situaciji u Jugoslaviji održane 27. marta 1941. u Operativnom štabu Vermahta sa planom o napadu na nju i njenom munjevitom razbijanju uz pomoć saveznika Italije, Mađarske, Bugarskei Hrvata, koji bi zauzvrat imali teritorijalnu dobit, a Hrvatska autonomiju [Minutes of a conference on the situation in Yugoslavia, held on 27 March 1941 in the Operations Staff of the Wehrmacht, with a plan to attack the country and thus swiftly destroy it with the help of allies, Italy, Hungary, Bulgaria and Croats, which would in return receive territorial gains, while Croatia would receive its autonomy]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 1.

with Nazi aviation aircrafts over Belgrade. The Yugoslav government made an announcement of the beginning of the war with Germany and a decision on total mobilization. Clearly, it was too late. Coordinated attacks from several directions by German, Italian, Hungarian and Bulgarian troops broke the defensive power of the Kingdom of Yugoslavia within a few days.[251]

In parallel with the military collapse, there was a crisis of the Yugoslav Government, at the time led by Dušan Simović. Serb ministers blamed Croats for the defeat of the Yugoslav army. Croatian ministers led by Vladko Maček left the Government on 8 April. Muslim leader Džafer Kulenović also left the Government. At the Government session held on 13 April 1941 in Pale near Sarajevo, it was decided that the Government would be evacuated to Nikšić for security reasons. At the last Government session in Nikšić, it was decided that Yugoslavia would not capitulate as a state, that is, that only the army would capitulate, while the government and the King would go abroad to continue fighting. The next day, the King and the Government left the country on a plane, flying over Greece to Jerusalem. The Government was transported from Jerusalem to London, where it eventually settled.[252]

Though completely broken in the military sense, some soldiers and officers did not express a desire to capitulate and they continued fighting. In several locations, members of the remnants of the Yugoslav Army units who evaded capture resisted on their own initiative. The Chief of the Operational Detachment of the 2nd Army, Colonel Dragoljub Mihailović, evaded capture in Sarajevo and, while fighting with the Germans, made his way towards Doboj. The flag of the 41st Infantry Regiment in Osijek, which was the flag that Sergeant Boža Petrović took with him, became the flag of the Yugoslav Army in the Fatherland, flag of the national resistance movement.

According to Velimir Terzić's research, over 398,000 officers, non-commissioned officers and soldiers of the Kingdom of Yugoslavia were captured. Essentially, the real prisoners were Serbs (about 90% of all prisoners), a number of Slovenes and all those that the occupation authorities knew were Yugoslav-oriented. After various categories of prisoners, Croats in particular since they were citizens of the newly established Independent State of Croatia, were released, about 210,000 officers and soldiers were interned in prison camps.[253]

In the building of the Czechoslovak embassy in Belgrade, the plenipotentiaries of the Supreme Command of the Yugoslav government, former Foreign Minister Aleksandar Cincar-Marković and General Radivoje Janković, signed an act of capitulation of the armed forces of the Kingdom of Yugoslavia, which was dictated by a German commander, General Maximilian von Weichs. The Third Reich imposed an unconditional, complete, unlimited capitulation; Yugoslav soldiers were mainly taken prisoner, while the country was divided between Germany, Italy, Hungary and Bulgaria. The Yugoslav Navy belonged to Italy.[254]

251 *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1*, 97-101. Petar V. Brajović-Đuro, *Jugoslavija u Drugom svetskom ratu* (Beograd: n.p., 1986), 33.
252 Velimir Terzić, *Slom kraljevine Jugoslavije: Uzroci i posledice poraza: Knjiga 2* (Beograd: n.p., 1983), 472.
253 Terzić, *Slom kraljevine Jugoslavije: Uzroci i posledice poraza: Knjiga 2*, 472.
254 Terzić, *Slom kraljevine Jugoslavije: Uzroci i posledice poraza: Knjiga 2*, 462-465.

3.6. The Division of Yugoslavia

Immediately after the occupation, the territory of the Kingdom of Yugoslavia was divided between Germany, Bulgaria, Hungary and Italy. In the central part of the territory of the Kingdom of Yugoslavia, the Independent State of Croatia was formed, which included the territories of Croatia, Slavonia, Dalmatia (one part of the coast excluded), Bosnia, Herzegovina and part of Srem with Zemun. The authority in the Independent State of Croatia was given to members of the Ustasha movement. The territory of the Kingdom itself was divided into the spheres of interest of Nazi Germany and Fascist Italy. The demarcation line stretched mainly between Sisak and Karlovac, then along the Bosanski Novi - Sanski Most - Mrkonjić Grad - Donji Vakuf - Sarajevo - Ustiprača line, then across Goražde to Lim towards Priština and finally Vranje. This line became definite as late as in the second half of May, and it remained important until the capitulation of Italy, 8 September 1943, when the German armed forces took over all occupation authorities in Yugoslav state territory.[255]

3.7. The Independent State of Croatia and Genocide

Even during the April war, parts of the Croatian elite encouraged the Croatian people to desert and attack the Yugoslav Royal Army and not to resist the German military force. The Roman Catholic Church in Croatia and Pure Catholic Action did this the most. The Head of the Croatian Ban's Office (since the Croatian Ban had left the country together with the Government) went out to welcome the German army outside Zagreb. The first arrests and liquidations of Serbs and Jews began during the April War. The Independent State of Croatia declared itself a state on 10 April 1941.[256] The first Ustasha detachment was formed only a day later in Zagreb, and soon (on 15 April) Ante Pavelić and about 300 Ustashas who were trained before the war in camps in the Kingdom of Italy arrived in Zagreb. The majority of the Croatian people followed their church. The newly formed Croatian state also found support in the armed formations of the Croatian Peasant Party.[257] Overall, the collapse of the Yugoslav state was a triumph of Croatian separatism.

255 Terzić, *Slom kraljevine Jugoslavije: Uzroci i posledice poraza: Knjiga 2*, 547-560.

256 "Proglas Slavka Kvaternika od 10. aprila 1941. o uspostavljanju kvislinškeNezavisne Države Hrvatske [Slavko Kvaternik's Decree, dated 10 April 1941, establishing the Quisling Independent State of Croatia]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 6.

257 "Proglasi Kvaternika i Mačeka povodom proglašenja NDH 10 travnja 1941 godine [Kvaternik and Maček's decrees concerning the proclamation of the Independent State of Croatia, 10 April 1941]," in *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Borbe u Hrvatskoj: Knjiga 1: Godina 1941.* [Collection of Documents and Data on the People's Liberation war: Combats in Croatia: Book 1: 1941], vol. 5 (Beograd: n.p. 1952), 497.

On 16 April 1941, Pavelić issued a decree appointing the first Croatian State Government.[258] The Independent State of Croatia was recognized by Germany[259] and Italy as well as all satellite states. The Independent State of Croatia was built on the model of already existing fascist systems. Following the example of the former organization of Croatia from the time when it existed within the Habsburg Monarchy, the entire territory of the Independent State of Croatia was divided into 22 Great Parishes[260], each of which was ran by a Grand Župan.[261] The Grand Župans, as commissioners of the government, represented the supreme state authority in their parishes. In terms of organization, the Ustasha authorities were established on the principles of a strict parliamentary hierarchy with a poglavnik at the helm. A poglavnik was at the head of the Main Ustasha Headquarters, the highest institution of the movement, which consisted of doglavniks[262] (deputy chiefs) and poglavni pobočniks[263].[264] By the decision "on the coordination of the Ustasha organization with the state authorities" of 29 April 1941, the Ustashas were entrusted with the organization of the entire state system of authorities. To consolidate their power, the Ustashas used the authority of the Croatian Catholic Church.[265] The support of the highest representatives of the Catholic Church in Croatia, as well as the fact that a part of the clergy took on roles in the Ustasha authorities, gave those authorities legitimacy in the eyes of the public.

258 Pavelić served as prime minister and foreign minister. Osman Kulenović was appointed Deputy Prime Minister as a representative of Muslims; Slavko Kvaternik was appointed Deputy Poglavnik and Commander of the Army and Minister of the Croatian Home Guard; the Minister of Justice was Dr. Mirko Puk; Minister of the Interior Andrija Artuković; Minister of Health Ivan Petrić; Minister of National Economy Lovro Sušić; Minister of Religion and Education Dr. Mile Budak; Minister of Forestry and Mining Ivica Frković; Minister of Associations Jozo Dumandžić; Minister of the Legislative Commission Milovan Žanić. After the first government reshuffle, its composition at the beginning of 1942 was as follows: Dr. Džafer Kulenović, Vice President, Dr. Mladen Lorković Minister of Foreign Affairs, doglavnik Slavko Kvaternik Minister of Home Affairs, Dr. Mirko Puk Minister of Religion and Education, Dr. Andrija Artuković Minister of the Interior, Dr. Vladimir Košak Treasurer, Eng. Hilmija Bešlagić Minister of Transport and Public Works, Dr. Ivo Petrić Minister of Health, Josip Dumandžić Minister of Peasant Economy, Dr. Dragutin Tot Minister of Crafts, Wholesale and Trade, Engr. Ivica Frković Minister of Forestry and Mining, Dr. Lovro Sušić Minister of Associations, Dr. Milovan Žanić Minister at the Prime Minister's Office. Fikreta Jelić-Butić, *Ustaše i Nezavisna država Hrvatska 1941-1945* (Zagreb: n.p., 1977), 80.

259 "Telegram Adolfa Hitlera od 15. aprila 1941. dr Anti Paveliću, kojim mu zahvaljuje za njegov i telegram generala Kvaternika i priznaje NDH od strane Nemačkog Rajha [Adolf Hitler's telegram of 15 April 1941 sent to Dr. Ante Pavelić in which he thanked him for his and general Kvaternik's telegram and recognized the Independent State of Croatia on behalf of the German Reich]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 15.

260 a/n: in Croatian *Velike župe*.

261 By a special decree on June 10, 1941, the following Great Parishes were formed: Baranja, Bilogora, Bribir-Sidraga, Dubrava, Pliva-Rama, Hum, Krbava-Psat, Lašva-Glaž, Lika-Gacka, Livac-Zaponja, Modruš, Pokupje, Posavje , Prigorje, Sana-Luka, Usori-Sori, Vinodol-Podgorje, Vrh-Bosna, Vuka and Zagorje. Jelić-Butić, *Ustaše i Nezavisna država Hrvatska*, 101.

262 a/n: sometimes translated as *deputy chiefs*.

263 a/n: sometimes translated as *adjutants*.

264 There were twelve poglavniks and seven poglavni pobočniks (these numbers have a historical symbolic; twelve doglavniks as twelve Croatian tribes which, according to legend, brought five brothers and two sisters, which is why there were seven poglavni pobočniks). Jelić-Butić, *Ustaše i Nezavisna država Hrvatska*, 106.

265 Jelić-Butić, *Ustaše i Nezavisna država Hrvatska*, 100.

The Independent State of Croatia based its right to the territory it received on historical and national rights, which had no historical basis. According to Italian sources, there were 4,800,000 Croats (Roman Catholics and Muslims) and 1,850,000 Serbs living in the Independent State of Croatia. Of these, 830,000 Serbs (about 44%), 620,000 Muslims (31%) and 440,000 Croats (23%) were living in Bosnia and Herzegovina.[266] German sources estimated that there were 3,300,000 Croats, 2,200,000 Serbs and 800,000 Muslims living in the Independent State of Croatia.[267] Germany's military attaché in the Independent State of Croatia, General von Horstenau, gave perhaps the most realistic estimate, noting that there were 3,069,000 Croats (50.78%), 1,847,000 Serbs (30.56%) and 717,000 Muslims (11.86%) living in the Independent State of Croatia.[268] The rest were national minorities, the most numerous of which were Germans. The leadership of the Independent State of Croatia based its plans for the creation of the Croatian national space on one fact alone – the extermination of Serbs. The Ustasha movement, the state program of which was modeled on that of the Nazis and was structured around the slogan, "One people, one country, one leader," planned primarily the extermination of Serbs, and then of Jews and Roma[269] on the territory of the Independent State of Croatia, in order to create a "pure Croatian environment" for the sake of the existence of a "pure Croatian nation". They believed that the opportune moment had come for the Serb question to be resolved once and for all. The state formulated a goal: kill one part of Serbs, convert one part to Roman Catholicism, and expel one part to Serbia.[270]

Regular administrative means were ineffective in achieving this political goal. Immediately, in the first months of their existence, the Croatian state authorities began to apply a series of the most severe coercive measures. A whole series of legal provisions and orders were passed that materially as well as politically and legally disenfranchised Serbs and outlawed them. In this way, the Ustasha project of genocide against Serbs was legalized in the eyes of the public. On the first day after the declaration of the Independent State of Croatia, an order was issued forbidding the enrollment of Orthodox people at university, with the exception of those who had renounced Orthodoxy before 10 April 1941, and a provision restricting the freedom of movement of Serbs and Jews was soon passed[271]. An introduction to the terror and

266 Smilja Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, vol. 1 (Beograd: n.p., 2008), 240.

267 Igor Vuković, "Poredak zločina – krivično pravo Nezavisne države Hrvatske," in *Pravni poredak Nezavisne države Hrvatske*, eds. Boris Begović and Zoran S. Mirković (Beograd: n.p., 2018), 177.

268 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:241.

269 To the Ustashas, the Roma were worthless human material; so worthless that it was not necessary to spend a lot of words on them. To the Independent State of Croatia, the annihilation of the Roma was such a natural thing, something that goes without saying. Orders for the executions of the Roma were issued in the first days already. At the intervention of Muslim religious leaders and politicians, only Roma people of the Muslim faith were exempted from persecution. They were called white gypsies. However, it often happened on the ground that, regardless of their religious affiliation, they were liquidated or transferred to the Jasenovac death camp, where they were liquidated.

270 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:372.

271 They had a special regime for the Jews, aimed at completely exterminating them and leading them to physical and economic ruin. Mandatory registration of Jews was imposed. They had to wear yellow armbands, which they had to procure and pay for themselves. Jewish activities were banned and certain commissioners were appointed that monitored them. Jewish businesses and houses were looted on a daily basis. They were forbidden to visit the taverns, and they were not allowed to go out to the

crimes was the text of the *Legal Provision for the Defense of the People and the State*[272] of 17 April 1941. It represented a standardization of genocide in the Independent State of Croatia. It was laid down in this provision that high treason carried a death sentence, but it was not explained what the term high treason covered, thus so it was up to a Court Martial to interpret the matters at hand at its discretion.[273] This was followed by a ban on writing in Cyrillic,[274] then the abolition of all Serb religious and folk schools and kindergartens,[275] and Serbs and Jews were forbidden to use the sidewalk. Serbs could not be nationals of the Independent State of Croatia, but only state members.[276] Also, following the example of the Jews, they were obliged to wear an armband (white, blue, yellow) with the letter P (Orthodox[277]), or a red armband with the word Serb written on it.[278]

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market until after 9 o'clock in the morning, when there was nothing left to buy. In September 1941, the appropriation of Jewish property without compensation began. "Naredba ministra unutrašnjih poslova od 4. juna 1941. o promeni židovskihprezimena i označivanju Židova i židovskih tvrtki [Order of the Minister of the Interior, dated 4 June 1941, about the changing of Jewish surnames and marking Jews and Jewish businesses]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 74. "Zakonska odredba poglavnika od 5. juna 1941. o obaveznoj prijavi židovske imovine i židovskih preduzeća [Legal provision of the Poglavnik, dated 5 June 1941, about mandatory declaration of assets and businesses of the Jews]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 81.

272 a/n: *Zakonska odredba za odbranu naroda i države.*

273 "Zakonska odredba poglavnika od 17. aprila 1941 za odbranu naroda i države [Legal provision of the Poglavnik, dated 17 April 941, for the defense of the people and the country]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 16.

274 "Zakonska odredba poglavnika od 25. aprila 1941. o zabrani upotrebe ćirilice na celoj teritoriji NDH [Legal provision of the Poglavnik, dated 25 April 1941, forbidding the use of Cyrillic Alphabet in the entire territory of the Independent State of Croatia]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 16. "Naredba Ministarstva unutrašnjih poslova od 25. aprila 1941. za sprovođenje zakonske odredbe o zabrani ćirilice na celoj teritoriji NDH [Order of the Ministry of the Interior, dated 25 April 1941, enforcing the legal provision forbidding the use of Cyrillic Alphabet in the entire territory of the Independent State of Croatia]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 17.

275 "Odluka ministra bogoštovlja i nastave od 14. juna 1941. o ukidanju svihsrpsko-konfesionalnih pučkih škola i zabavišta [Decision of the Minister of Religion and Education, dated 14 June 1941, abolishing all Serbian confessional folk schools and kindergardens]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 104.

276 "Zakonska odredba poglavnika od 30. aprila 1941. o državljanstvu pripadnika NDH [Legal provision of the Poglavnik, dated 30 April 1941, about the nationality of the population of the Independent State of Croatia]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 22.

277 a/n: in both Serbian and Croatian the word is *Pravoslavac*.

278 "Naredba Ustaškog stana Požega od 12. maja 1941. Općinskom poglavarstvuVelika da pravoslavci moraju na levoj ruci nositi belu traku sa latiničnim natpisom "pravoslavac" [Order of the Ustasha Headquarters in Požega, dated 12 May 1941, to the Municipal Authorities of Velika that Orthodox Christians must wear a white band on their left arm with the inscription "Orthodox"]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p.., 1993), 44.

Clearly displayed notice signs prohibiting Serbs, Jews and dogs from entering public spaces could often be seen in the towns. Following the example of Nazi legislation, the following provisions were passed: Legal provision on race of 30 April 1941[279] and Legal provision on the protection of Aryan blood and honor of the Croatian people.[280] On the basis of these provisions, it was possible to commit crimes against Serbs and Jews, and everything that was done would not be seen as an act of an individual, but as a certain system, the execution of which was directed from the top. Serbs and Jews were fired and banned from participating in public and cultural life. On 18 July 1941, the Ustasha authorities issued an order prohibiting the use of the designation "Serbian Orthodox Faith" and ordering the use of the designation "Greek-Eastern Faith" instead. This was not the first law concerning the Orthodox faith. As early as 3 May 1941, a legal provision was passed on the conversion from one religion to another.[281] Behind this law was a mass action of the authorities and the church that were trying to convert Serbs to Roman Catholics. The Roman Catholic Church fully accepted this provision, as it did with all the others, and incorporated it into its internal rights.[282] The Roman Catholic Church accepted the Ustasha regime as the state order and gave legality to the Ustasha government of the Independent State of Croatia.

Accordingly, the Archbishop of Zagreb, Alojzije Stepinac, hurried to congratulate Kvaternik on the declaration of the Independent State of Croatia on 12 April, and on 16 April he officially visited Ante Pavelić, after which at his own residence he then held a formal reception in honor of the Ustasha emigrants-returnees. Soon, Stepinac's symbolic actions took official form. In the epistle of 28 April 1941, he, "as a representative of the church", addressed the entire clergy in the Independent State of Croatia, asking them to devote themselves "to the sublime work on the preservation and promotion of the Independent State of Croatia". In it, he emphasized, "Knowing the men who control the destiny of the Croatian people today, we are deeply convinced that our work will be met with complete understanding and help. We believe and expect that the Church in the resurrected State of Croatia will

279 "Zakonska odredba poglavnika od 30. aprila 1941. o rasnoj pripadnosti žitelja NDH [Legal provision of the Poglavnik, dated 30 April 1941, about the race of the inhabitants of the Independent State of Croatia]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 23.

280 "Zakonska odredba poglavnika od 30. aprila 1941. o zaštiti arijevske krvi i časti hrvatskog naroda [Legal provision of the Poglavnik, dated 30 April 1941, about the protection of aryan blood and honor of the Croatian people]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 62.

281 "Zakonska odredba poglavnika od 3. maja 1941. o prelasku iz jedne vere u drugu [Legal provision of the Poglavnik, dated 3 May 1941, about the conversion from one religion to another]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 27.

282 "Objava duhovnog stola u Zagrebu od 9. maja 1941. o primanju inoveraca u katoličku crkvu [Announcement of the Archbishop's Palace in Zagreb, dated 9 May 1941, about accepting heretics into the Catholic Church]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 31.

be able to proclaim in full freedom the irrefutable principles of eternal Truth and Justice." Expressing faith in God's providence to fill Pavelić "with the spirit of wisdom, so that he could perform the sublime and very responsible service in God's honor and for the sake of the salvation of the people in justice and truth", Stepinac then called on the clergy to fulfill "their duty towards the young state of Croatia".[283] Many Roman Catholic priests became involved in terrorizing Serbs.

Accordingly, parish priest Mate Moguš stated, "Until now, we have worked for the Catholic faith with a prayer book and a cross, and now the time has come to work [for it] with a rifle and a revolver."[284] Friar Dionisije Juričev said at a gathering,

> No one but Croats can live in this country, because this is the country of Croatia, and those who refuse to convert, we know what to do with them and where to take them. In the higher areas, I had everything, from chick to an old man, removed, and if necessary, I will do it here as well, because today it is not a sin to kill even a small child in a cradle if it stands in the way of our Ustasha movement. Do not be prejudiced because I am a priest, for you should know that when necessary I myself take a machine gun and kill every single thing that is against the Ustasha authorities and state.[285]

The activity of the Roman Catholic clergy did not stop at encouraging alone; many priests directly participated in crimes against Serbs. Those who distinguished themselves the most when it came to crimes were: Dragutin Kamber,[286] Friar Miroslav Filipović Majstorović,[287] Friar Zovko Lipovac and Zovko Čulina, Reverend Zvonimir Brekalo, Božo Šimleša, Don Ilija Tomas, Friar Srećko Perić, Antun Đurić Antun and others. Prior to the popularization of massacres against Serbs, churches had been destroyed or were turned into Roman Catholic churches. As is evident, the goal was to destroy the cultural, spiritual and national identity of Serbs, Jews and Roma, because according to the new order, they belonged to socially and mentally inferior categories. During the war, those that suffered particularly were the clergy of the Serbian Orthodox Church. According to the report of the Holy Synod of the Serbian Orthodox Church from 1947, the Ustashas (and other Croatian bodies and units) killed 171 Serb priests. Among those killed were archbishops: Metropolitan Petar (Zimonjić) of Dabar-Bosnia, Bishop Platon (Jovanović) of Banja Luka, Bishop Sava of Gornji Karlovac (Trlajić), while Metropolitan Dositej (Vasić) of Zagreb died as a result of Ustasha abuse. According to the research of Đuro Zatezalo, 71 priests of the Serbian Orthodox Church, two of them bishops, were killed in the complex of the Gospić group of camps alone. Researchers state that around 450 Serb churches were torn

283 Tanasije Marinković, "'Takozvana' Nezavisna država Hrvatska," in *Pravni poredak Nezavisne države Hrvatske*, eds. Boris Begović and Zoran S. Mirković (Beograd: n.p., 2018), 92.

284 Viktor Novak, *Magnum crimen: Pola vijeka klerikalizma u Hrvatskoj* (Beograd: n.p., 1986), 610.

285 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:370.

286 The Ustasha commissioner for the Doboj district ordered mass arrests and executions of Serbs in the Doboj district. Novak, *Magnum crimen*, 754-755.

287 Participated in the organization and commission of crimes against Serbs in the villages of Drakulić, Šargovac and Motike near Banja Luka. For a while, he was also the commander of the Jasenovac death camp.

down and around 800 of them were damaged.[288] By the will of the Independent State of Croatia authorities, the "Croatian Orthodox Church" was founded in 1942.

This entire process of dehumanization of victims was accompanied by strong propaganda that was institutionalized. The propaganda was directed by the Office for the Promotion of the Main Ustasha Headquarters. Via radio, daily press, posters there was constant talk against Serbs, Jews and Roma. They constantly repeated that "there can be neither Serbs nor Orthodox people in Croatia". People were called to deal with the enemies of the state and the Croatian people. At public gatherings, representatives of the system and the Roman Catholic Church, establishing a direct relationship with the people, called for the extermination of Serbs and Jews.[289] This campaign was reduced to a message saying that as long Serbs and Jews existed, the Croats would not survive. Moreover, the intention to physically exterminate these two peoples was not hidden at all; on the contrary, it was presented as the only and most desirable solution. A climate was created in which the commission of a collective crime was facilitated. Unlike Nazi Germany, which formed an industrial killing system, an impersonal system, where the executioner in most cases had no relationship with the victim, the Ustashas did things differently. Murders committed by them were often accompanied by sadistic torture and abuse.

The genocide in the Independent State of Croatia was primarily an integral part of state policy, and different branches of the state machinery, with thousands of professionals of various profiles, were involved in its realization. A huge bureaucratic apparatus was engaged in the making of the list of future victims, taking them to assembly centers, confiscation of property and a number of other "technical" jobs. Croatian Railways and other means of transport played a major role in the deportation of victims to the execution sites. The final act, the taking of lives, was the privilege of the people most loyal to the Ustasha cause.

The first systemic measure that the Ustashas applied against the Serbs in the Independent State of Croatia, in order to create a pure living space, was forcing the Serbs to leave

288 Jovan Mirković, *Stradanje Srpske pravoslavne crkve u Nezavisnoj Državi Hrvatskoj* (Beograd: n.p., 2016), 6.

289 Secretary General of the Presidency of the Government, Prof. Aleksandar Zajc, presented the problem on a broader scale, stating, "The Jewish-Serbian, capitalist-democratic front must disappear forever from the whole world, and so from our Croatia as well." Catholic priest Franjo Kalik called on the people to stop the the "stupid" teaching that one can fight evil in gloves, "in a nice, elegant way", but that they must be ready to fight "with a strong fist". Mile Budak was in Vukovar on 8 June 1941. He called the Serbs "arrivals from the east" and added, "Let them know that our password is: Either bow down or go away." Dr. Mirko Puk, at a gathering in Križevci on 6 July 1941, called the Serbs "robbers, sediment and garbage of the Balkans" who should be removed. Dr. Mladen Lorković was categorical in Donji Miholjac on 27 July 1941, setting the task for the Croatian people to "cleanse" their country "of those elements which that bring misfortune to that people, which are alien and foreign to them, which drain the living strength of that nation. And they are Serbs and Jews." Dr. Milovan Zanic, president of the Ustasha Legislative Commission, said before the entire assembly at a great public Ustasha assembly in Nova Gradiška, held on 1 June 1941, "This is to be a country of Croats and no one else and there is no such method which we, as Ustashas, will not use to make this country truly Croatian and to cleanse it of Serbs, who have threatened us for hundreds of years and who would threaten us at the first opportunity. We do not hide it, it is the policy of this state and when we do it, we will do only what is written in the Ustasha principles..." Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:316.

their homes and leave the territories where they had lived for centuries. When it came to this action, the Ustashas followed the example of the Germans who had deported Slovenes from the territories of the Meža Valley, Styria and Upper Carniola. The goal was to Germanize these areas. The Third Reich had originally wanted to move Slovenes to Serbia, and they succeeded in that to a certain extent. In addition to various difficulties, the implementation of this plan was hampered by the uprising that the Serb people started in response to the Ustasha terror that they were exposed to. Due to such circumstances, the idea arose that Slovenes should be moved to the territory of the Independent State of Croatia, while approximately the same number of Serbs would be deported from the territory of the Independent State of Croatia to Serbia. This meant that the German plans to Germanize the parts of Slovenia that had become part of the Third Reich coincided with the Ustasha plans to create a pure living space for the Croatian nation. The program of mass emigration of Serbs was set out at the Conference of German and Ustasha Authorities in Zagreb on 4 June 1941. According to the agreement reached, the authorities of the Independent State of Croatia agreed with around 170,000 Slovenes settling on their territory, and approximately the same number of Serbs being deported from the Independent State of Croatia to occupied Serbia. The emigration of this population was supposed to take place in the period from 7 June to 31 October 1941, in three turns.[290]

On 7 June 1941, the Ustashas issued an order calling on all Serbs living in the Independent State of Croatia after 1 January 1900, as well as their descendants, of whatever rank, to report to the authorities in their place of residence within 10 days so that they would be deported to Serbia.[291] All those who failed to respond to this call were considered prisoners of war. In order to implement the agreement, the Ustashas formed the State Directorate for Revision (Serb Revision).[292] The Head of the Directorate was Josip Ražanović. The tasks of this Directorate were to collect all necessary data on persons that were to be moved out of

290 "Zapisnik sa sednice nemačkog poslanstva u Zagrebu održane 4. juna 1941.pod vodstvom poslanika Kašea u vezi sa preseljavanjem Slovenacaiz Rajha u Hrvatsku i Srbiju, odnosno Srba iz Hrvatske u Srbiju [Minutes of a session of the German delegation in Zagreb, held on 4 June 1941, chaired by delegate Kasche, about the relocation of Slovenes from the Reich into Croatia and Serbia, that is, the relocation of Serbs from Croatia into Serbia] ," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: .n.p.., 1993), 78. Hrvoje Matković, *Povijest Nezavisne države Hrvatske*, 2nd rev. ed. (Zagreb: n.p., 2002), 181.

291 "Naredba ministra unutrašnjih poslova od 7. juna 1941. o obaveznoj prijavi Srbijanaca, [Order of the Minister of the Interior, dated 7 June 1941, about mandatory registration of Serbians]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*," vol., 1 (Beograd: n.p., 1993), 93–94. "Oglas Redarstvenog ravnateljstva u Zagrebu kojim se pozivaju svi "Srbijanci" u gradu Zagrebu da se prijave kod tog ravnateljstva [An announcement by the Police Directorate in Zagreb notifying all "Serbians" in the city of Zagreb that they are to report at the said Directorate]," u *Građa za povijest Narodnooslobodilačke borbe u Sjeverozapadnoj Hrvaskoj 1941–1994: Knjiga I: Ožujak-prosinac 1941* (Zagreb: n.p., 1981), 60-61.

292 "Zakonska odredba poglavnika] od 24. juna 1941. o osnivanju Državnog ravnateljstva za ponovu [Legal provision of the Poglavnik, dated 24 June 1941, establishing the State Directorate for Revision]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 133.

the state and to issue and execute special decisions; the Directorate took over all movable and immovable property of deported persons and "hands it over to the Institute for Colonization", as well as perform tasks in connection with the immigration and accommodation of immigrants (Slovenes). The entire territory of the Independent State of Croatia was under the administration of this Directorate. Assembly centers and camps were established for the temporary accommodation of persons designated for deportation. The Ustasha authorities determined who would be sent to these camps. After the majority of the people were taken to these assembly centers, they were then sent to concentration camps, and from these camps they were sent to Serbia. The largest concentration camps were located in Caprag near Sisak, Bjelovar, Slavonska Požega and Zagreb.

The deportation of Serbs was supposed to be organized, but it often took the form of a chase and it appeared as if this population was being forced to flee the country. In accordance with a decision of the Directorate for Revision, people were being arrested and taken away. During its implementation, the Ustashas committed numerous acts of abuse against Serbs. The deportees were exposed to all atrocities, from beatings to killings. During the deportation operation, the Ustashas transferred a large number of Serbs to Serbia. Deportees were forcibly transferred at border posts of Badovinci, Salaš Crnobarski, Crna Bara, Ravnje, Zasavica and Mala Mitrovica. Such an uncontrolled transfer provoked numerous protests from Germans who did not have control over such acts involving relocation, especially because Serbia was affected by the folk uprising, which meant that the refugees in such a situation could have been a new factor in spreading the resistance against the German occupier. A representative of the German occupation authorities described the situation of Serb refugees, "Thousands and tens of thousands of refugees, expelled from Croatia by the Ustashas, starved and beaten, are coming here. The vast majority of them were deprived of everything, even their shoes, when crossing the border. In my eyes, the Ustashas, as well as the superior authorities who did this, fell even lower than the Bolsheviks." In July 1941, there were new negotiations between the representatives of the Third Reich and the Independent State of Croatia and it was agreed that the only border crossing point would be Zemun. This was agreed on in order to prevent the illegal transfer of Serbs to Serbia. The number of refugees in Serbia was constantly rising. A Commissariat for Refugees, at the head of which was Tomo Maksimović, was formed in Serbia. The deportation of Serbs was completed ahead of schedule. A total of thirty-two transports, divided into four turns, were organized for the Serbs. According to the data of the Commissariat for Refugees in Belgrade, at the end of September 1941, the number of refugees deported from the Independent State of Croatia was around 200,000. The total number of refugees from the Independent State of Croatia and Slovenia, meaning those registered in Serbia in 1943, exceeded 400,000, and there were also 89,000 orphans.[293]

Mass killings of Serbs in the Independent State of Croatia began immediately after it was established. Even during the April War, Andrija Artuković, one of the Ustasha leaders

293 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:366.

who would become Minister of the Interior, from the Kaiserhof Hotel in Berlin, via a radio broadcast that was aired in Croatia on 9 April, called on Croats to kill Serbs. Legal provisions against Serbs and Jews opened the door wide to Ustasha terror with the aim of ethnically cleansing the Independent State of Croatia of the non-Croat element. On 17 May 1941, the Ustasha state legalized the murders of Serbs through the Legal provision establishing "impromptu courts" that imposed the death penalties without court procedures.[294] In late June 1941, a system of "mobile impromptu courts" was formed, which ruled on the spot. The plan was to first arrest and liquidate prominent Serbs in order to disintegrate the Serb people, then all the men who could offer armed resistance, and finally the remaining people in order to wipe out Serbs forever.[295]

The first arrests were made in Gospić on 10 April 1941. The earliest actions against Serb civilians in the Independent State of Croatia were carried out on 13 April 1941 in Plaški and Ogulin, where Pavelić, who was on the move, stopped to give a speech. Mass killings of civilians by the Ustasha were already largely happening on 28 April 1941, in Croatia, around Vukovar, Gudovac, Brezovac, Tuka and other places in Croatia that were inhabited by Serbs. The wave of crimes escalated during the period of May to August throughout the Independent State of Croatia. These massacres were often led by Roman Catholic priests. There are numerous examples of when Roman Catholic priests encouraged national and religious hatred towards Serbs. Accordingly, the Ustasha commissioner for the Udbina district, priest Mate Mugoš, stated the following right before the crime against the Udbina Serbs would be committed, "We will expel and exterminate the Serb people in Croatia and I will be happy when I am able to apportion the Serb land among the Croats... People, look at these 16,000 Ustashas who have 16,000 bullets and who will kill 16,000 Serbs, after which we will apportion Mutilačko and Krbavsko fields."[296] The killings of Serbs from the Knin area were carried out on the orders of a friar of the Franciscan Order, Vjekoslav Šimić from Kninsko Polje.[297] It is believed that by the end of July 1941, several hundred Serbs had perished in the Knin district. Serbs were killed in their churches as well.[298]

294 "Zakonska odredba poglavnika od 17. maja 1941. o prijekim sudovima, [Legal provision of the Poglavnik, dated 17 May 1941, about impromptu courts]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 86.

295 "Odredba ministra pravosuđa od 21. maja 1941. o proglašenju prijekog suda za područje Sudbenog stola u Sarajevu, [Decision of the Minister of Justice, dated 21 May 1941, establishing an impromptu court for the jurisdiction of the Judicial Court in Sarajevo]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 89. "Odredba ministra pravosuđa od 27. maja 1941. o proglašenju prijekog suda za područje Sudbenog stola u Gospiću [Decision of the Minister of Justice, dated 27 May 1941, establishing an impromptu court for the jurisdiction of the Judicial Court in Gospić]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 101.

296 Novak, *Magnum crimen*, 780.

297 Ibid, 665.

298 The research so far has identified 48 Serbian Orthodox churches in which crimes were committed (throat-slitting, murder with firearms, murders with hard objects, burning of living people, rape, murder of children), among which, according to the number of killed, mainly women, children and the elderly, the ones with most casualties happened in the churches in Glina, Sadilovac (Slunj), Kolarić (Vojnić),

One of the most massive liquidations of Serbs from the area of Glina and Vrgin Most was carried out by the Ustashas on 4 and 5 August 1941 in the Orthodox Church in Glina. The people were called to gather under the pretense that they would be converted to Catholicism. All the gathered Serbs, about 2,200 of them, were transferred from Vrgin Most to the Orthodox Church in Glina. A group of about 1,000 Serbs was first converted to Catholicism, and immediately afterwards liquidated by slitting their throats, while the remaining Serbs were taken to Čemernica and Hadžer near Prekop, where they were tortured, killed and buried in pits that had already been dug.[299] The first massacre in the Glina church took place on 29-30 July. Serbs that were brought there had been caught a few days earlier in the territories of the municipalities of Topusko and Gračanica, from where they were transported to the railway station in Glina in cattle wagons. From the station, suffering various physical abuse and individual liquidations, they were brought to the church where they spent the entire day without food and water. Ustashas came to the church in the early evening. The imprisoned Serbs were ordered to hail the Ustasha poglavnik and the state, then they were forced to lie down and stand up many times, and then to lie down again, and then the Ustashas trampled on them, shot above their heads, beat them with rifle butts, threw church objects at them, which were during this damaged and scattered. Finally, they were ordered to take off all their clothes, to throw them in the corner of the church, remain in their underwear and to face the wall. Then the Ustashas started slitting the Serbs' throats. Only one Serb - Ljuban Jednak - managed to survive the massacre.[300] Himlija Berberović participated in these massacres in the church in Glina, and in September 1941 he gave a statement about this to the police in Belgrade, where he described the manner in which the crime was committed.[301]

Draksenić (Bosanska Dubica / Kozarska Dubica), Velika Kladuša, Ležimir (Sremska Mitrovica) and Kusonje (Pakrac). Mirković, Stradanje Srpske pravoslavne crkve, 6-7.

299 Đuro Aralica, *Ustaški pokolji Srba u Glinskoj crkvi* (Beograd: n.p., 2010) 102-103, 216.

300 Aralica, *Ustaški pokolji Srba*, 64-69.

301 Here is a part of his statement: The killing was done in several ways. Some were imprisoned in the Orthodox Church in Glina, which could take about 1,000 people. Then the commander designated 15 people from our company to do the throat-slitting. Before starting this work, he gave them something to drink, some rum and some strong rakija, so when they got drunk, they would sent them inside with knives. During the throat-slitting, a guard was placed in front of the church, because some of those Orthodox Christians climbed the bell tower and jumped from the top of the bell tower down into the entrance area. All those who jumped were killed at the entrance area by the guards. I was designated to slit throats in the church in three turns (...) The killing was done in such a way that we stabbed some of them with a knife right in the heart, slit throats of some, and hit some all over their bodies. If a Serb did not die from the first blow, the Ustashas would stab him with a knife. During this massacre, the light in the church was not off, but there were soldiers that were designated to hold flashlights in their hands and so to illuminate the premises. More than once there were Serbs who came at us, or kicked one of us in the abdomen, but those would get butchered instantly. During this massacre there was a lot of noise in the church... This massacre in the church happened 7-8 times, and I participated three times. During the massacre we got so covered up in blood that our uniforms could not be washed, and we had to replace them in the warehouse. At first, only men were brought there, and later women aged 15 to 50. While the women were being brought there, I saw more than once that the Ustashas and some of my comrades-in-arms first raped women and girls, and then took them to Glina – to prison." Berberović also stated that they washed the church after each massacre. "Zapisnik sa saslušanja Hilmije Berberovića, učesnika u pokolju u Glinskoj crkvi septembra 1941, u policiji grada Beograda [Minutes of the hearing of Hilmija Berberović, participant in the massacre in the church in Glina in September 1941, conducted in the Police building in the city of Belgrade]," in *Zločini na jugoslovenskim prostorima*

The territories of Herzegovina and Bosnia came under attack as well. By the agreement between Italy and Germany, which was confirmed at the Vienna Conference on 21 and 22 April 1941, the Independent State of Croatia was given these two regions. At first, the Ustasha authorities were not set up in the eastern part of Herzegovina. It was not until after the signing of the Rome Agreements between the Independent State of Croatia and the Kingdom of Italy on 18 May 1941 that the Ustasha authorities expanded to the entire Herzegovina. The eastern part of Herzegovina was given to the Independent State of Croatia as compensation for the part of the Adriatic coast that was given to the Kingdom of Italy.[302] Herzegovina was part of two parishes: Dubrava and Hum. Pavao Canki was the Ustasha commissioner for the western part of Herzegovina, while Alija Šuljak was the commissioner for its eastern part. They were the organizers of the Ustasha authorities and the organizers of the massacres of Serbs in Herzegovina.[303]

The first killings of Serbs began in late May and early June in Trebinje.[304] A large number of Serbs from the Trebinje district were killed and thrown into the pits of Pridvorička, Ržani Do, Hutovo, Čavaš and Košćelica. The massacre of Serbs in the Ljubinski district began on 3 June 1941. The Serb population was killed and thrown into the pits of Guvno and Lazine. Ustashas began the mass killings of Serbs in the area of the Stolac district in early June 1941. The Ustashas threw the killed Serbs into the pits of Gornja Kukauša and Donja Kukauša, Bivolje Brdo, Bodiroga's pit[305], Gavranica pit, Golubinka pit and others. Serbs were completely exterminated on the territory of the Ljubuški district. Thanks to the fact that it was mostly inhabited by Serbs, the Bileća district avoided mass slaughters of Serbs. Killings of Serbs were also committed in the Mostar and Nevesinje districts. The second wave of mass executions of Serbs in Herzegovina would begin after the German invasion of the USSR. Gacko and Čapljina were the first to take the hit.[306]

The uprising that started in Herzegovina in late June briefly stopped the massacres in June. After that, an offensive was launched against the insurgent forces. The Berkovac district was especially hit. In this municipality, the Ustashas showed unprecedented brutality and sadism. Serbs were killed with blunt objects and butchered with knives, women were slaughtered, and small children were impaled on bayonets by the Ustasha that were shouting, "One shouldn't leave a Serb cat [alive], let alone a child".[307] In a report on the military-political situation in eastern Herzegovina, sent by Uglješa Danilović to Svetozar Vukomanović

u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941., vol. 1 (Beograd: n.p., 1993), 763.

302 Avramov, *Genocid u Jugoslaviji 1941-1945,1991…*, 1:232.

303 Savo Skoko, *Pokolji hercegovačkih Srba '41* (Beograd: n.p., 1991), 16-19.

304 "Izveštaj Krilnog zapovjedništva Bileća od 1. juna 1941. Zapovjedništvu 4. hrvatske oružničke pukovnije o hapšenju i streljanju Srba u Trebinju od strane ustaša [Report of the Bileća Flank Command, dated June 1941, to the Command of the 4th Croatian Gendarmerie Regiment about the arrests and executions of Serbs in Trebinje committed by the Ustashas]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 67-69.

305 a/n: in Serbian *Bodirogina jama*.

306 For more on this, see: Skoko, *Pokolji hercegovačkih Srba '41*.

307 Skoko, *Pokolji hercegovačkih Srba '41*, 132.

Tempo on 17 September 1941, the following was stated, "People say that in Berkovići the Ustashas cooked children and forced their mothers to eat them, after which they killed them, raped girls and women, and so forth. They say: to be killed by a bullet, it meant you were lucky. All the criminals who committed these acts were local Muslims, and in almost all parts of eastern Herzegovina, Muslims sided with the Ustashas en masse".[308]

In this wave of massacres known as the Ilindan[309] massacre, the Herzegovinian village of Prebilovci in the Čapljina district suffered especially. Before the war, this village had a little more than 1000 inhabitants, of which 994 were Serbs. The Ustashas entered the village on 4 August 1941, and found only women, children and the elderly in their homes, while the men sought refuge in the nearby hills, believing that the Ustashas would not harm the helpless people. A part of the population they found there the Ustashas gathered and locked up in the local school building. In there, the Ustashas immediately killed all the old people who could not walk. From there, the Ustashas took them, while beating them along the way, to the bridge on the Bregava River, where they were loaded on four trucks and then transported to nearby Tasovčići. The people spent the night there and were deprived of water and food the entire time, and the Ustashas often came and took away pretty girls to rape them. The next day, under the pretense that they would be moved to Serbia, the Ustashas gathered the remaining wives and children in Prebilovci. This group was exposed to horrific abuse, especially the young girls. The captured men were tortured and then liquidated. In front of the school, after being raped and tortured, Stana Arnaut, the village teacher, and Slavica Bulut, a Slovenian, formerly a Catholic nun, who did not want to give up her husband Žarko, were killed. This group was taken directly to Čapljina to the train station where they joined the first group that had been brought from Tasovčić. From there, they were transported in cattle wagons to Šurmanci. There a group of Ustashas from Čapljina and the surrounding areas was waiting for them. Using wooden stakes, the Ustashas drove the people out of the wagons and drove them up the hill in small groups. About a kilometer from the Golubinka pit (also known as the Šurmanovačka pit), the groups were searched and robbed and then driven towards the pit.[310]

They were pushed into the pit using stakes, while smaller children were thrown high above the opening of the pit. About 500 women, girls and children were thrown into this pit from Prebilovac alone. Most of them survived the fall into the pit, with or without fractures, and the bodies of Serbs from Sarajevo who had been brought and thrown into the pit during the previous months broke their fall. The Ustashas then threw stones to finish the survivors and several bombs were also thrown into the pit. All this did not have much effect because even during the following days, moans and screams were heard from the pits. In the following

308 "Izvještaj Uglješe Danilovića od 17 septembra 1941 god. Svetozaru Vukmanoviću Tempu o vojno-političkoj situaciji u istočnoj Hercegovini [Report of Uglješa Danilović, dated 17 September 1941, to Svetozar Vukmanović Tempo about the military-political situation in eastern Herzegovina]," in *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Knjiga 1* [Collection of Documents and Data on the People's Liberation war: Book 1], vol. 4 (Beograd: n.p., 1951), 442-453.

309 a/n: St. Elijah's Day.

310 Draga Mastilović, *Zatiranje Srba u Bosni i Hercegovini u 20. vijeku* (Beograd: n.p., 2017), 97-101.

days and weeks, the Ustashas hunted the remaining Serbs in Prebilovci and the surrounding area. The captured Serbs were killed immediately. In Morin Otok alone, near Bregava, the Ustashas slit the throats of 50 people from Prebilovac, who voluntarily surrendered, crushed upon learning that their entire families had been thrown into the Šurmanovačka pit. According to the Croatian Gendarmerie, the Ustashas killed 820 Serbs from Prebilovac in August 1941. Not a single person from 51 families survived, but there was a total of 170 survivors, 15 of whom were women, girls and children under the age of 15.[311] The Ustashas sang triumphantly, "Pavelic, what do we do with the Serbs? Chain them up, throw them in Šurmanci!?"[312]

This wave of massacres hit the Stolac, Mostar and Konjic districts. Considering that the Ustasha genocidal policy was the main reason for the resistance that erupted on the territory of Herzegovina, Italy first implemented a series of measures and then reoccupied this zone. The Ustasha terror against the Serb population caused fear among the people and led to armed resistance. Because of all this, Italian and German representatives frequently spoke about the need to stop with the massacres of Serbs.

On the territory of Bosnia there were large parishes of Krbava-Psat, Lašva-Glaž, Pliva-Rama, Posavje, Sana-Luka, Usora-Soli, Vrhbosna. The crimes on the territory of Bosnia began immediately after the establishment of the Independent State of Croatia. As the northwestern part of Bosnia – Bosanska Krajina – was predominantly inhabited by Serbs, and was located in the very center of the Independent State of Croatia, this area was particularly under attack by the Ustasha authorities. Bosanska Krajina was renamed Hrvatska Krajina[313]. The Ustasha commissioner for the Bosanska Krajina region was Dr. Viktor Gutić.[314] Since the share of Croats in Bosanska Krajina was relatively lower compared to other regions, there were fewer Ustasha units there. That is why the Ustasha authorities tried to recruit as many Muslims from Western Bosnia as possible in the general hunt for Serbs. They succeeded in that, bringing into the Ustasha ranks particularly the Muslims of Cazin, Bihać, Velika Kladuša and Kulen-Vakuf. In this region, Serb villages surrounded by Muslim settlements suffered the most. The mass executions of Serbs in Banja Luka and its surroundings began with the arrival of Gutić in Banja Luka on 17 April 1941.[315]

311 Mastilović, *Zatiranje Srba u Bosni i Hercegovini*, 97-101.

312 Novak, *Magnum crimen*, 195.

313 a/n: sometimes translated as Croatian Krajina.

314 Viktor Gutić presented plans for the extermination of Serbs at public rallies, which were also reported in the print media, "Without a doubt, the strictest and most energetic measures, which can be realistically carried out, will be taken. What I have done so far is but a small thing, one such trifle, which can only be observed microscopically, so we can only imagine what else awaits the enemies of the Independent State of Croatia in our tame Bosanska Krajina. I have a free hand in that regard. I want to serve the will of the God and the people. Those undesirable elements will be eradicated in our Krajina as soon as possible, so that every trace of them will be erased, and the only thing that will remain will be the evil memory of them." At the Ustasha gathering in Banja Luka, "Their spine will break. Tell that to our enemies. Tell them, their spine will break… There will be a cleansing… There is no mercy… The Poglavnik and Croatian ministers cannot wait to come to a cleansed Banja Luka, and that will soon happen; we will work fast. I will be an iron broom here… and I say, let no one come to me to pray for our enemies." Novak, *Magnum crimen*, 622.

315 Dušan Lukač, *Ustanak u Bosanskoj krajini* (Beograd: n.p., 1967), 51-53.

First, the Serb clergy were killed. Most of the Orthodox priests were arrested by mid-1941 on the territory of the Bosanska Krajina and taken to the Caprag camp, from where they were expulsed to Serbia two months later. Many priests were liquidated and tortured in the most horrible ways.[316] In Banja Luka, on May 5, the Ustashas killed Bishop Platon of Banja Luka and Protoiereus[317] Dušan Subotić.[318] The Metropolitan of Dabar-Bosnia, Petar Zimonjić, whose headquarters were in Sarajevo, was also killed. The killings of priests were followed by the destruction of Orthodox churches.[319] A wave of massacres hit this area during July and August 1941. Serbs in and around Banja Luka, Sanski Most, Bihać, Prijedor, and so forth, were particularly under attack.

The first armed resistance took place on 6 May 1941, on the great Orthodox holiday of Đurđevdan, which is highly revered by the Serbs. Croatian and Muslim Ustashas invaded the Serb village of Kijevo near Sanski Most and began tormenting the Serb population, especially coming down on the symbols of *slava*[320] that are most holy to the Serbs. In this way, the Ustashas wanted to humiliate and hurt the religious sentiments of the Serbs. On their way back, these Ustashas were attacked with arms and dispersed. On the same day, this time appearing in a larger number, the Ustashas tried to attack these villages but were successfully repelled. The next day, the Ustashas, aided by the Germans, tried to invade the Serb villages, but they were once again repelled. It was not until 8 July that the Ustasha-German units managed to invade the village of Kijevo. The hamlet of Sjenokos was completely torched, 450 villagers were arrested, 27 of whom were shot, and their bodies were hung in Sanski Most.[321]

The mass crimes of the Ustashas in Bihać began with the arrival of Ljubo Kvaternik at the end of May 1941. Two days later, on 17 June 1941, an Impromptu Court was established at the [District] Judicial Court[322] in Bihać.[323] On the night between 23 and 24 June 1941, all Serbs and Jews, under the threat that they would be brought before the Impromptu Court, were ordered out of their homes in Bihać, and were then transferred to Kulen Vakuf, where

316 The murder of the priest Milan Banjac from Drvar is one of the examples of Ustasha bestiality exhibited against the Orthodox clergy. He was murdered on June 16 in the vicinity of Bosanski Petrovac. His arms, ears and nose were cut during the torture. As they cut off his nose and ears, they pushed off the severed parts [in his mouth] and said, "Lick your dog blood, priest." Priest Milan Golubović was thrown into the same pit together with them. Mirković, *Stradanje Srpske pravoslavne crkve*, 405.

317 a/n: roughly equivalent with the title of archpriest.

318 The two of them were driven by car from the prison in Banja Luka to outside the city, in the direction of Kotor Varoš. There, after being tortured and brutalized, they were thrown into the Vrbanja River. Their bodies were found a few days later. The murders were committed by a Muslim, Asim Ćelić, and Croats, Mirko Kovačević and Nino Čondrić. Mirković, *Stradanje Srpske pravoslavne crkve*, 377, 385.

319 For more on this, see: Mirković, *Stradanje Srpske pravoslavne crkve*.

320 a/n: a Serbian Orthodox Christian tradition of the ritual glorification of one's family's patron saint, which is celebrated annually by the family on the saint's feast day.

321 Lukač, *Ustanak u Bosanskoj krajini*, 60. Branko J. Bokan, *Srez Sanski Most u NOB 1941–1945. godine*, vol. 2 (Sanski Most: n.p., 1980), 9-11.

322 a/n: in Croatian *Sudbeni stol* from Latin *Tabula Iudiciaria*.

323 "Odredba Ministarstva pravosuđa od 17. juna 1941. o proglašenju Prijekog suda za područje Sudbenog stola u Bihaću [Decision of the Ministry of Justice, dated 17 June 1941, establishing an impromptu court for the jurisdiction of the Judicial Court in Bihać]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 110-111.

they were killed. The majority of Serbs from the Bihać were killed in a location called Garavice. In this location, the killings lasted from 3 July to 3 September 1941. The exact number of victims that were killed in this location is not known, but according to estimates, there were over ten thousand of them. Residents of Bihać, Bosanska Krupa, Bosanski Petrovac, Cazin, Velika Kladuša, as well as the Lika towns of Donji Lapac, Korenica and Slunj were killed in Garavice.[324]

One of the most terrible massacres took place in the Banja Luka villages of Drakulić, Šargovac and Motike. The crime that was committed in these settlements is the biggest massacre committed in just one day. On that fateful day, the Ustashas killed more than 2,300 Serb civilians, 551 of whom were children. According to Dragoje Lukić's list, 294 children were killed in Drakulić, 207 in Motike, and 50 in Šargovac. A total of 551 children under the age of 12 were killed in these three settlements. On the same day, 52 Serb students had their throats slit in the school in the settlement of Šargovac. After the war, Dobrila Martinović, the teacher, gave an invaluable statement to Lazar Lukajić, describing the events in this school:

> During the class, Friar Miroslav Filipović suddenly entered the classroom with 12 of his Ustashas, imitating Jesus Christ and his 12 apostles. I had known him well for a long time. The children also knew him because the friar often passed through Drakulić, Šargovac and Motike. He was wearing a new Ustasha uniform. The Ustashas stood next to the teacher's desk and the school chalkboard, facing the students' desks and the children… Then Friar Filipović asked the teacher to have one Serb child come to the front of the classroom. The teacher, not knowing what would happen, chose the pretty and neat girl Radojka Glamočanin, the daughter of a respectable householder Đuro Glamočanin, who was then in captivity in Germany and thus survived the war. The friar gently placed his hands on the child, lifted her up on the teacher's desk and then started slowly, leisurely slitting her throat in front of the other children, the teacher and the Ustashas. Screaming and panic ensued in the classroom. The horrified children were screaming and jumping around. And Filipović addressed his Ustashas calmly and with Jesuit dignity: "Ustashas, in the name of God, I convert these degenerates, and are to you follow my lead. I am the first to take all the sin into my soul, and I will hear your confessions and absolve you all your sins." Then Friar Filipović ordered the teacher to take all the Serb children out into the yard. Then he went to another classroom and ordered teacher Mara Tunjić to take all the Serb children out as well. In the yard, on the trampled snow, he had the Ustashas stand in a circle, and ordered the children to run beside them. As the children were running past them, the Ustashas slit their throats and maimed them. This went on until they slit the throats of all the children.[325]

The greatest suffering of the Serb population happened in the summer of 1942 after the German-Ustasha offensive against the partisans who were on Mount Kozara. This operation

324 For more on this, see: *Prvi okrugli sto "Garavice 1941"* (Banja Luka: n.p., 2010).

325 For more on this, see: Lazar Lukajić, *Fratri i ustaše kolju: Zločini i svedoci: Pokolj Srba u selima kod Banje Luke, Drakuliću, Šargovcu i Motikama 7. februara i Piskavicii Ivanjskoj 5. i 12. februara 1942. godine* (Beograd: n.p., 2005).

lasted from June 10 to July 17, 1942. The partisans managed to get out of the encirclement, but the anger was vented on the population of Potkozarje.[326] All the people who were arrested were sent to camps, mainly to Jasenovac, or dispersed to other areas. It is estimated that somewhat less than 68,500 people were deported to the camps, of which about 23,858 were children.[327]

3.8. The Camps

In April 1941, the Ustasha Surveillance Service was established in Zagreb, and its Office III was in charge of organizing concentration camps throughout the Independent State of Croatia. Eugen Dido Kvaternik was in the head of Office III.[328] The system of camps in the Independent State of Croatia was, in principle, modeled on the Nazi camps. According to German sources, the camp construction plans were made by Kvaternik while he was still in exile. After the Independent State of Croatia was established, Kvaternik was sent to Germany in order to get better acquainted with the organization of the camps.[329] In the camp, prisoners were liquidated in various ways: from being killed with firearms, hanged, killed with wooden mallets, burned in iron furnaces, and killed with an agricultural tool, a wheat sheaf knife, which was used in the camp for slitting the throats of camp inmates and thus received a new name, "srbosjek[330]".[331] There were also killing by beatings of detainees and denial of food and water. Thermal means of killing came somewhat later when, due to the increased number of inmates, other methods of extermination had to be introduced. They burned bodies, but also, in special tunnels, people who were alive.[332] This is evidenced by the record of Dr. Samuel Pinto, who by chance managed to stay alive.

> They killed them by ripping the victims' abdomens open with a knife and hitting them in the head with mallets, and sometimes they would throw them into brick furnaces while they were still alive... What happened was the Ustashas wanted to determine the capacity of these furnaces when burning people instead of ordinary fuels, which is why they burned the detainees that were stupefied from being hit with a mallet.

The furnaces were designed and operated by engineer Dominik Hinko Pićili.[333] The formation of special concentration camps for children is a unique example in history, and this

326 Antun Miletić, "Neke mere i dejstva vermahta na Kozari 1941-1942. godine," in *Kozara u narodnooslobodilačkoj borbi i socijalističkoj revoluciji (1941-1945):Radovi sa naučnog skupa održanog na Kozari (Mrakovica) 27. i 28. oktobra 1977* (Prijedor: n.p., 1980), 208-209.

327 "Dragoje Lukić: Roditelj pokošenog naraštaja," in *Godišnjak Muzeja žrtava genocida*, thematic issue (Beograd: n.p., 2008), 20.

328 Jelić-Butić, *Ustaše i Nezavisna država Hrvatska*, 185. Matković, *Povijest Nezavisne države Hrvatske*, 186.

329 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:354-355.

330 a/n: sometimes translated as *Serbcutter*.

331 Lukajić, *Fratri i ustaše kolju*, 22-23.

332 Strahinja Kurdulija, *Atlas ustaškog genocida nad Srbima 1941-1945* (Beograd: n.p., 1993), 10.

333 Avramov, *Genocid u Jugoslaviji 1941-1945, 1991…*, 1:359.

bestial act belongs to the Independent State of Croatia. In Jastrebarsko and Gornja Rijeka near Križevci, there were such camps and they were called "Collection centers for children". The children's camp in Jastrebarsko, one of the largest ones, was run by the nuns of the Congregation of St. Vinko. In the area of the Independent State of Croatia, from December 1941, the Germans had under their administration the Semlin Judenlager – the Jewish camp in Zemun – and from the beginning of 1943 the camps in Sisak, Vinkovci and Jankomir near Zagreb as well. On the territory of the Independent State of Croatia, which was under Italian administration, concentration camps for Jews were established in Kraljevica, on the island of Brač, in the town of Hvar, as well as in Gruž and Kupari and on Lopud near Dubrovnik.[334]

There were several stages in the formation of the system of Ustasha camps. The first stage was the establishment of the so-called "collection centers", better known by other names: collection camps, emigrant camps, assembly centers. These were, in fact, places where the arrested, mostly Serbs and Jews, stayed temporarily and from there they were deported to other locations took place. There existed in various areas, and the most well-known and largest were the Danica camp near Koprivnica, Caprag near Sisak, and the camps in Bjelovar, Slavonska Požega, Kruščica, Lobograd, and so forth. The second stage, which was being carried out in parallel with the first one, was the construction of concentration camps, known as "death camps". The first camp that was established was the Danica camp near Koprivnica. Later, the Jadovno-Gospić-Pag system of camps was created, as well as the Jasenovac system of camps. The establishment of the first camps was managed directly by Eugen Dido Kvaternik, and their head was Mijo Babić Đovani, and after he died he was replaced by Vjekoslav "Maks" Luburić, who with some minor discontinuities remained in that position until the end of the Independent State of Croatia.[335]

One of the first camps was located in the former chemical plant "Danica" in Drnje, about 3 kilometers away from the town of Koprivnica. In addition to large facilities, this factory also had a railway in its area. The camp existed from 15 April 1941 to 1 September 1942. According to the latest research, 4,348 inmates, whose names have been determined, passed through this camp. On 15 April, Pavelić appointed Stjepan Pižeta as the political camp commander, and three days later, Ustasha lieutenant Martin Nemec was appointed organizational commander of the "Danica" camp. The first group of detainees, 530 Serbs, arrested on charges of preparing an uprising, was brought from Grubišino polje on 29 April. Although it was originally intended for the Jews from the Koprivnica district to be placed in a special Jewish camp, this idea was abandoned, thus Jews, who were to be sent to the Jadovno and Jasenovac death, camps passed through this camp as well. Out of the stated number of inmates, 3,723, or 64%, of them were killed, of which as many as 2,167 were killed in the Jadovno camp. It is followed by the Jasenovac and Stara Gradiška camps with around 770 victims from Danica, mainly Roma, Jews and Serbs, but also Croats. Around 300

334 For more on this, see: Jaša Romano, *Jevreji jugoslavije 1941-1945: Žrtve genocida i učesnici narodnooslobodilačkog rata* (Beograd: n.p., 1980).

335 Jelić-Butić, *Ustaše i Nezavisna država Hrvatska*, 185-186. Matković, *Povijest Nezavisne države Hrvatske*, 186-187.

Danica inmates, mainly Jews, lost their lives in German camps, especially the Auschwitz concentration camp. There were no major killings in this very camp. Only three murders have been confirmed, while ten other cases are believed to be murders. One of the reasons for this is probably the close proximity of the town.[336]

The Jadovno camp was located in the forests on the Velebit Mountain. The location for this camp was chosen by Jurica Frković and Juco Rukavina, who had participated in the Ustasha uprising on Velebit in 1932 and who knew this area well. The camp itself was located in almost inaccessible terrain. The curious thing about this camp is that not a single aid package ever arrived in the camp, nor was ever a single letter sent from the camp. This camp was completely isolated and only high-ranking Ustasha movement officials had access to this camp. The main collection and transit center for the Jadovno camp was the Gospić court penitentiary. There were always between 2,000 and 4,000 detainees in it. Interrogations of detainees were accompanied by various forms of torture. After interrogations, the detainees were either liquidated or sent to camps on Pag, to Jadovno or to the former Ovčara farm near Gospić. The detainees were transported by truck to Pag. There were also cases when the detainees that were being escorted had to walk to the camp, but not many of them reached Karlobag. They were usually killed and thrown into karst pits. The first inmates arrived in Jadovno on 26 June 1941. They were Jews from Zagreb, around 200 of them. They were forced to erect a wire fence around the Čačić Dolac plateau where they were located. After this, other groups of detainees, larger in number, began to arrive. The inmates were placed, by nationality, under shelters they had built themselves, while the barracks were for the Ustashas. Upon entering the camp, inmates' valuables were confiscated from them. The Jadovno camp existed for about two months, and life in it was based on hard and exhausting labor. The food was meager; some beans and hot gruel, once a day. The nights were unbearable due to the humidity of the forest and very low temperatures. The detainees were left to a cruel fate, laboring to perform meaningless tasks, which only led to greater exhaustion and helplessness. The Ustashas brought prisoners in large groups from the prison to Gospić every day, then killed them and threw them into the nearby karst pits (33 pits on Velebit it has been established that inmates were thrown into them). Due to inaccessibility, most of these pits have not been explored or have only recently been discovered. Seventy-three Orthodox priests were killed at the Jadovno execution sites – every third liquidated priest of the Serbian Orthodox Church in the Independent State of Croatia. The bones of the Bishop of Gornji Karlovac, Sava Trlajić, and the Metropolitan of Sarajevo, Petar Zimonjić, with whom the Ustashas dealt in a particularly brutal manner, also rest in the unmarked pits. The Slana and Metajna camps on the Adriatic island of Pag also served for the killing of inmates. The conditions in these camps were terrible. The island itself is rocky without any vegetation.

336 Zdravko Dizdar, "Ljudski gubici logora 'Danica' kraj Koprivnice 1941.-1942," *Časopis za suvremenu povijest* 34, no. 2 (2002): 377-406. Franjo Horvatić, "Logor Danica u Koprivnici," *Podravski zbornik* , no. 1 (1975): 43-55. Franjo Horvatić, "Koncentracioni logor 'Danica'," *Sjeverozapadna Hrvatska u NOB* (Varaždin: n.p., 1976), 869-883.

The inmates were exposed to strong sunlight; there was only one small spring of semi-salt water that the prisoners drank. In addition, the prisoners were subjected to various tortures, but also to hard physical labor. They labored 10 to 12 hours a day. For breakfast, the inmates received linden tea, and for lunch and dinner, potato soup with some beans. The hygiene conditions were awful: the toilets were out in the open, 30 meters away from the barracks, thus dysentery soon struck. The first camp for children was located in Metajna. The youngest victim that perished in Jadovno was only six months old. Prof. Đuro Zatezalo estimated the number of victims as at least 40,123. Out of this number of inmates, 32,103 of them died in Jadovno and 8,020 in the area of Slana and Metajna.[337]

The Kruščica camp near Travnik operated from June to September 1941. The camp was commanded by Mate Mandušić. Its capacity was up to 4,000 inmates. Only Serbs and Jews were imprisoned there. After the camp was deactivated, all men over the age of 14 were sent to Jasenovac and women and children to Loborgrad.[338]

The Jastrebarsko concentration camp was a camp next to Jastrebarsko, which operated during 1942 and was intended exclusively for children. Most of the children were brought to the camp after the German-Ustasha offensive on Kozara. In mid-July 1942, the first groups of children were transported from the camp in Stara Gradiška, about 650 of them, and arrived in the abandoned barracks of the Italian army, in the castle of Counts Erdedi and the Franciscan monastery near Jastrebarsko, and two days 770 more children were transported there. Road conditions were bad, the children were exhausted, sick and hungry, which resulted in several dozen children dying during these two rides to the camp. Then children from the camp farms in Jablanac and Mlaka (parts of the Jasenovac death camp) were brought, 1,650 of them. About 2,000 children were brought to the village of Gornja Rijeka, three kilometers away from Jastrebarsko. The children were put in wagons and transported to those locations, where their hair was cut and they were dressed in Ustasha uniforms. They slept in barracks on straw, and even the nuns of the Congregation of Sts. Vinko Paulski were involved in the operation of this system of camps. In these camps, under the pretext of caring for war orphans (although a large number of these children were abducted from their parents in camps), the Ustashas, with the help of the nuns, created their own version of Hitler-Jugend[339]. Their goal was to create new politically and racially suitable generations out of the Serb children in these camps. The children's identities were taken away and they were given new ones. They were taught to be loyal to the Independent State of Croatia, dressed in Ustasha uniforms, taught about the Catholic faith and were brought up in the fascist spirit. All this was accompanied by terrible abuse of children, particularly physical abuse. The children were starving and had no medical care.[340] Former child inmate Mihajlo Veljić recalls,

337 For more on this, see: Đuro Zatezalo, *Jadovno: Kompleks ustaških logora 1941* (Beograd: n.p., 2007). Dragan Šućur, *Jadovnička golgota sveštenoslužitelja Srpske pravoslavne crkve 1941. godine* (Banja Luka: n.p., 2014).

338 Mišo Deverić and Ivan Fumić, *Hrvatska u logorima 1941.-1945.* (Zagreb: n.p., 2008), 47-49.

339 a/n: Hitler Youth.

340 Ivan Fumić, *Djeca – žrtve ustaškog režima* (Zagreb: n.p., 2011), 52-56, 62-63.

> The nuns behaved badly, although I can't say that they killed children, but they mistreated and beat them… The death rate was high, so the local gravedigger came every day and buried the children's bodies in the meadow, where Jews and some gendarmes were buried, because according to the laws of the time, Orthodox children could not be buried in the local cemetery.[341]

Partisan units, more precisely the 4th Kordun Brigade, liberated the Jastrebarsko camp on 26 August 1942. They found 727 children in the camp itself. Nikola Vidović, the brigade commander, left a note about the liberation of this camp and his encounter with the children,

> Between the damp walls of the old castle, there were 727 boys and girls, mostly of preschool age. They were being 're-educated' by nuns. Of course, that re-education was in the Ustasha spirit. In a way, they wanted to create new 'janissaries'. The poor children wore the letter 'U' on their hats and lapels, and lived under incredibly difficult circumstances. Due to starvation, disease and the methods of 'education', several boys and girls died every day. As soon as these little tortured prisoners of the Ustasha autocracy heard the gunfire and saw the partisans, immense joy filled them together with the hope that they would be released. We later learned from them that they were all equally alarmed both because the shooting frightened them and because they got excited thinking that someone might set them free. We were moved by the shouts and longing looks of the children crammed behind the bars of the locked camp. The partisans quickly opened the door and the children rushed into the sun. They jumped with joy and hung themselves around the necks of the fighters, their liberators. The general hustle and bustle lasted for several hours. Several of those that were most exhausted fainted in daylight and sunlight... Some fighters of the 4th Kordun Brigade found among the imprisoned children their own children, a son or a daughter, or the children of their relatives or neighbors. It is very difficult to describe the exhilaration of the little camp inmates that had been released... [342]

According to the data of the State Commission of the People's Republic of Croatia for the Investigation of the Crimes of the Occupiers and Their Collaborators, 3,336 children were imprisoned in the camp, mainly children from Kozara and Kordun. According to the same data, by the end of August 1942, at least 449 children died.

From September 1941 to the fall of 1942, there was a concentration camp in Loborgrad, not far from Zlatar Bistrica, in Hrvatsko Zagorje. In addition to a number of Serb women, about 1,300 Jewish women were imprisoned there, most of whom were transferred from Kruščica, together with their children.[343] In December 1941, a camp was established in Đakovo, intended primarily for Jewish women and children, around 3,000 of whom were there. A large number of them were executed. In July 1942, the camp was deactivated and

341 Nenad Jovanović, "Kako sam preživio dječji logor," *Portal Novosti*, March 8, 2012, https://arhiva.portalnovosti.com/2012/07/kako-sam-prezivio-djecji-logor/

342 Nikola Vidović, "Četvrta kordunaška brigada u borbama za oslobođenje Bihaća," in *Bihaćka Republika*, vol. 1 (Bihać: n.p., 1965), 152.

343 Romano, *Jevreji jugoslavije 1941 - 1945*, 106-108.

the remaining inmates were taken to Jasenovac. In June 1942, the Tenja temporary camp was established in Osijek.[344] Almost all the remaining Jews, who had just then been arrested in Osijek and some of the other Slavonian towns, were imprisoned in it, and there were around 3,000 people there. In mid-August, their mass liquidation began, mainly in Jasenovac. At the beginning of 1942, a camp was established in Sisak. A part of the Serb population from Kozara that had been captured after the German-Ustasha offensive was brought there.[345] In addition to the Sisak camp, there was the Caprag camp, which operated from July to September 1941. The curious thing about this camp was that in the beginning, mainly priests of the Serbian Orthodox Church and members of their families were brought there. Later, other Serbs were brought to this camp as well, from where they were then expelled to Serbia.[346]

The biggest and the most gruesome of all the camps was the Jasenovac death camp, which is rightly called the Auschwitz of the Balkans.[347] The construction of the camp began in July 1941, and the first inmates were brought there at the end of August. The first inmates were taken to Camp I, Bročice, and Camp II, Krapje, which were initially part of Camp Jasenovac, together with the central part which was called Camp III, Ciglana[348]. The first two camps were closed after a short period and most of the inmates were killed, while a smaller part of them was transferred to the Ciglana. Numerous detainees who were brought there were not even registered because they were straight away taken to the execution site in Donja Gradina, or they had been killed immediately upon reaching Donja Gradina without ever entering the camp. Donja Gradina was the largest execution site in the Jasenovac camp. The first mass executions began in October 1941. The inmates were usually killed with blunt objects, cold weapons and by hanging, while the use of firearms was avoided so as not to alarm the Croatian population residing nearby. Furthermore, the inmates were subjected to physical torture and unimaginable sadistic torment, such as burning of sensitive body parts, ripping of nails and eyes out, placing rats in their abdomens, cutting and salting their skin, and so forth.[349]

Inmates of the Ciglana camp were mainly kept in the fields, some of them were placed under shelters, while a smaller number of them were kept in barracks. The food was very poor and scarce, which led to the emergence of cannibalism among the inmates themselves.

344 Romano, *Jevreji jugoslavije 1941 - 1945*, 109-111.

345 Fumić, *Djeca*, 57-59.

346 "Okružnica Državnog ravnateljstva za ponovu od 9. avgusta 1941. sa uputstvima za hapšenje pravoslavnih sveštenika i njihovih porodica i otpremanje u logor Sisak [Circular of the State Directorate for Revision, dated 9 August 1941, with instructions for arrests of Orthodox priests and their families and for their transportation to the Sisak camp]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 479. "Spisak pravoslavnih sveštenika iz kotara Sarajevo koji su otpremljeni u logor Caprag kraj Siska 12. avgusta 1941. Godine [List of Orthodox priests from the Sarajevo district that were transported to the Caprag camp near Sisak on 12 August 1941]," in *Zločini na jugoslovenskim prostorima u Prvom i Drugom svjetskom ratu: Zbornik Dokumenata: Knjiga 1: Zločini Nezavisne države Hrvatske 1941.-1945.: Godina 1941.*, vol. 1 (Beograd: n.p., 1993), 494. Avramov, *Genocid u Jugoslaviji 1941-1945,1991…*, 1:356.

347 Milan Bulajić, *Jasenovac "Balkan Auschwitz"* (Beograd: n.p., 2001). Gideon Greif, *Jasenovac: Auschwitz of the Balkans* (Beograd: n.p., 2018).

348 a/n: brick factory.

349 Avramov, *Genocid u Jugoslaviji 1941-1945,1991…*, 1:358-361.

A large number of inmates died of hunger, cold, disease and other afflictions caused by living in inhumane conditions as well as hard and exhausting physical labor. The inmates who were needed for the functioning of the industrial plants and the camp itself received slightly better treatment. Those who stood out the most when it came to atrocities and crimes committed in the camp were Ljubo Miloš, Pero Brzica, Maks Luburić, Friar Miroslav Filipović (who was called a master due to the large number of murders he committed and his methods of killing, thus he added Majstorović[350] to his surname as a title), Nada Šakić, Ivica Matković, Marinko Polić, Anto Maričić, Dragutin Pudić, Josip Friganović and others.[351] The largest mass executions of inmates were carried out after the end of the German-Ustasha-Croatian Home Guard operation of "cleansing" the Kozara Mountain of partisans. The executions of the people that were brought were carried out mainly in Donja Gradina.

The Jasenovac death camp operated without any disturbance throughout the entire war. When the Ustashas began the liquidation of the camp, and thus the executions of the remaining groups of camp inmates, some of the camp inmates decided to break through from the camp and save themselves so. The day before the breakthrough, the last group of women was executed, about 700 of them. The inmates attempted their breakthrough on 22 April 1945; two groups were broke through from the camp, independently from one another. One group was breaking through from the Kožara camp, and the other, larger one, from the Ciglana camp. Both groups were unarmed. It is estimated that there was a total of around 800 inmates in both groups. Only 169 of them managed to reach freedom; the rest perished. It was not until 2 May 1945 that the Yugoslav Army forces entered the destroyed and abandoned Jasenovac camp. The number of people killed in the Jasenovac-Stara Gradiška camp has never been accurately determined, because the records from the camp registry and other camp documentation were destroyed more than once in order to conceal the evidence, and, as mentioned earlier, many camp inmates were never even registered. Estimates ranged from a few tens of thousands, most often cited by Croatian revisionists, to a million or more, which is entirely unsubstantiated.[352] In most cases, an estimated 700,000 were killed, of whom 500,000 were Serbs, 40,000 Roma, 33,000 Jews and 127,000 members of other nations from the Kingdom of Yugoslavia. It is estimated that around 20,000 children perished during the operation of the Jasenovac camp.[353]

During 1942, Ante Pavelić allowed Ustasha officers who were unable to have children to adopt inmates' children, provided that they are then brought up in the Croatian and Ustasha spirit, so as to destroy any trace of their origin. Many children grew up with a changed identity and never learned the truth about their background, religion, or identity. The *Legal provision determining the legal status of state orphans*[354] was an Ustasha act aimed at destroying the identity of inmates' children. In accordance with that provision, Serb children were given

350 a/n: Majstorović from *majstor* which means *master* in both Serbian and Croatian.
351 Avramov, *Genocid u Jugoslaviji 1941-1945,1991…*, 1:358-361.
352 For more on this, see: Đorđe Mihovilović and Dejan Motl, *Zaboravljeni: Knjiga o posljednjim jasenovačkim logorašima* (Jasenovac: n.p., 2015).
353 Data from the Donja Gradina Memorial Site.
354 a/n: Zakonska odredba o uređivanju pravnog položaja državne siročadi.

Croatian names, their domicile was determined, as was their religious affiliation. If the year of birth was unknown, a doctor would determine the age, and 10 April was entered as the date of birth, which was the day when the Independent State of Croatia was established. In the summer of 1942, 1,738 Serb children under the age of three were sent to Croatian families "for upbringing and care". Most of them were carried the mark N.N.[355]

The initiator and organizer of the rescue of children from the camp was a humanitarian of Austrian origin, Diana Budisavljević, the wife of an Orthodox Serb, Dr. Julije Budisavljević, a distinguished surgeon and a professor at the Medical Faculty in Zagreb. This campaign was called *Action Diana Budisavljević* after her. Diana described the entire action in a diary she wrote in German and kept from 23 October 1941 to 13 August 1945. Her diary entries give the most reliable image of the suffering of children in Ustasha camps. Diana Budisavljević and Professor Kamilo Bressler, head of the Ministry of Associations and Social Welfare of the Independent State of Croatia, were key figures in the rescue of children from the Jasenovac camps. Diana managed, through German military representatives in Zagreb, to obtain authorization to visit the so-called "Children's hospital" and other "children's dwellings" in the Stara Gradiška camp on 9 and 10 July 1942 with her team. From 9 July to 3 August 1942, she went with her associates on six occasions to pick up children from Stara Gradiška, Jablanac and Mlaka and rescued 10,536 boys and girls from these camps, of whom 3,200 died in the arms of their rescuers as a result of imprisonment in the Ustasha camps. In order to preserve the data on the identity of the children rescued from the Jasenovac camps, Diana and her closest associates made a registry that contained information on over 12,000 little camp inmates. This action was one of the most difficult and, in terms of the number of rescued, most extensive humanitarian actions in connection with the concentration camps during World War II.[356]

3.9. The Uprisings

The uprising started in those areas that were predominantly Serb or were mainly inhabited by Serbs (Serbia, Montenegro, Bosnia, Herzegovina, areas of the the former Military Frontier). While the uprising in Serbia started as a consequence of the country wanting to getting rid of the occupiers, in the Independent State of Croatia it was primarily a reaction to the Ustasha genocide. During the war, two anti-fascist resistance movements were created, which initially worked together, but soon due to different political views, they separated and, later, they were in open conflict. One of the movements was led by the officers of the regular Royal Yugoslav Army who refused to capitulate and decided to continue the fight. They were led by Colonel Dragoljub Draža Mihailović, who was later promoted to General. The headquarters of this movement was located on Ravna Gora, a branch of the Suvobor Mountain. A group of officers and soldiers led by Mihailović arrived at Ravna Gora on 8 May

355 a/n: short for *nomen nescio* meaning anonymous or unnamed person.
356 Nataša Mataušić, *Žene u logorima Nezavisne države Hrvatske* (Zagreb: n.p., 2013), 15-16, 31-33, 41-46.

1941. This date is taken as the beginning of the uprising under the command of the Yugoslav Army in the Fatherland. This official name of this movement was the Yugoslav Army in the Fatherland, although during the entire war it was known as the Chetnik movement or the Ravna Gora movement. Yugoslav Army in the Fatherland was recognized by King Petar II and the Government in exile. In order to ensure its legitimacy, they promoted Colonel Mihailović to the rank of general and appointed him Minister of War. Until the very end of the war, General Mihailović was recognized by the Western allies. He was celebrated by the public of those countries and had the status of a hero. Mihailović's movement fought for the liberation of Yugoslavia and for the preservation of the monarchy as a political system. In its nature this was an anti-fascist, national and democratic movement. Chetnik leaders from other Serb regions recognized him as their leader, but the movement itself never functioned as a whole. Usually, this was so due to the situation on the ground, poor connectivity, the arbitrariness of some officers and the like. Attempts to expand this movement to areas that were not predominantly Serb did not yield significant results, thus the movement remained majorly Serb until the end of the war.[357]

The other movement was gathered around the Communist Party of Yugoslavia. Although its official name was the People's Liberation Movement, it is better known as the partisan movement, because the members of this movement were called partisans. At the head of this movement was Josip Broz Tito, who was the Secretary General of the Communist Party of Yugoslavia. Even though the Kingdom of Yugoslavia fought to break up Yugoslavia, in the new circumstances, it was decided that this idea was to be abandoned. The communist movement started an uprising on 22 June 1941,[358] that is, after the Ribbentrop-Molotov agreement ceased to be valid, due to Nazi Germany's attack on the USSR. There was strict discipline in the ranks of this movement. This movement was based on republican and communist foundations. In parallel with the liberation war, the communists carried out a revolution which in some areas (especially in Herzegovina and Montenegro) led to a number of people being liquidated without being tried. Their only sin was that they were considered potential enemies of the revolution. The goal of the revolution was to establish a political system like the one in the then USSR. The partisan movement was also predominantly Serb, although Muslims and Croats were often in leadership positions. They were pre-war members of the Communist Party of Yugoslavia who did not have the opportunity to stay in their areas because they would be arrested as communists. It was not until the second half of the war that a larger number of Muslims and Croats joined this movement. This was caused by the fact that it was becoming increasingly likely that the Axis Powers would lose the war and that the Independent State of Croatia would disappear.

357 Kosta Nikolić, *Italijanska vojska i četnici u Drugom svjetskom ratu u Jugoslaviji 1941-1943* (Beograd: n.p., 2008), 39-45.

358 "Proglas CK KPJ povodom napada fašističke Nemačke na Sovjetski Savez [Proclamation of the Central Committe of the Communist Party of Yugoslavia regarding the attack of the fascist Germany on the Soviet Union]," *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu: Knjiga 1: Borbe u Srbiji: 1941* [Collection of Documents and Data on the People's Liberation war: Book 1: Combats in Serbia: 1941] , tom 1 (Beograd:, n.p., 1949), 11.

The uprising in the territories of Bosnia and Herzegovina began at different times. The first uprising in Herzegovina started in the Nevesinje district on 2 June 1941, as a response to Ustasha crimes. An uprising started on 5-6 June in the Gatac district and quickly spread to other Herzegovinian districts of Bileća and Trebinje. Armed groups from Serbia and Montenegro also joined the insurgents in Herzegovina.[359] On the territory of western Bosnia, people were also fleeing from the Ustasha terror. The largest Ustasha massacres of Serbs took place in Bihać, Bosanska Krupa, Cazin, Bosanski Novi, Bosanski Petrovac, Prijedor and Sanski Most. The people that were fleeing were guarded by armed groups of people, which were unconnected and disorganized. On the eve of the uprising, many insurgent groups and detachments had already been formed throughout western Bosnia. The uprising started on 27 July 1941 on the the border area between Bosnia, Lika and Dalmatia, when insurgent detachments attacked the town of Drvar and liberated it, crushing the Ustasha counterattack.[360] The next day, Glamoč, Livno, Bosanski Petrovac and Bosansko Grahovo were liberated. The uprising spread further to Grmeč, Manjača and Kozara. Free territory was established in the area of Pljevlja, Janja and Kupres as well. By mid-August, the insurgents had liberated most of Krajina. Only some larger towns and Muslim and Croat villages remained unliberated. The people of Ozren and neighboring Serb territories rose in revolt against the occupiers at dawn on 23 August 1941, when the attack on Doboj was carried out.[361] Even before the beginning of the uprising, groups of people were operating in the territory of eastern Bosnia, attacking the Ustashas. In this area, the uprising was predominantly Chetnik, mostly due to the close proximity of Serbia. In mid-August, there were five Chetnik detachments in this area (Višegrad, Kladanj, Srebrenica, Vlasenica and Tuzla), in addition to several independent battalions and companies. The Chetnik detachments in this area besieged Zvornik and Han Pijesak. Vlasenica was liberated on 31 August. In addition to the Chetniks, partisan detachments also operated in eastern Bosnia. In six partisan detachments (Majevica, Ozren, Birač, Romanija, Kalinovik and Zvijezda), 7,300 fighters fought.[362]

The uprising in Herzegovina and Bosnia was exclusively a response to Ustasha crimes. It was not started by the Communist Party of Yugoslavia or by the Yugoslav Army in the Fatherland. They both later tried to impose themselves as the leaders of the uprising, which led to many insurgent units being divided into partisan and Chetnik units at the end of 1941 and the beginning of 1942. Most of the fighters were peasants, uninformed about long-term political goals. A nationwide uprising started in Montenegro on 13 July 1941. In the first onslaught, the whole of Montenegro was liberated, with the exception of larger towns. The Italians brought in larger reinforcements and in August drove the wavering insurgents into the mountains.[363]

359 Savo Skoko, *Krvavo kolo hercegovačko 1941-1942*, vol. 1 (Beograd: n.p., 2000), 14. Aleksa Tepavčević, *Borba za slobodu: Sećanje na četničku borbu 1941-1950*, 2nd ed. (Gacko: n.p., 2002), 39-41.

360 Božidar Sokolović, *Ilija Desnica junak sa Oštrelja: Unačka dolina u borbi za opstanak* (Milwaukee: n.p., 1988), 12.

361 Milenko Maksimović, *Sinovi Ozrena* (Doboj – Ozren: n.p., 1996), 61-63.

362 Veljko Đ. Đurić, *Major Dangić* (Kragujevac: n.p., 2001), 15.

363 Branko Petranović, *Istorija Jugoslavije 1918-1988: Knjiga II: Narodnooslobodilački rat i revolucija 1941-1945* (Beograd: n.p., 1988), 88.

In Western Serbia, during the summer and autumn, through the joint operation of both movements, a large free territory was established. During this period, at two meetings between the representatives of both resistance movements, an agreement was reached on mutual cooperation, which essentially never came to life on the ground. Different goals and warfare caused a conflict between the two movements at the end of October. The new conflict and divisions led to a quicker and easier crushing of the uprising. Having brought larger reinforcements to Serbia, at the end of the year, the Germans occupied Užice, which was the center of the free partisan territory known as the "Republic of Užice"; moreover, the territory controlled by Yugoslav Army in the Fatherland with its center on Ravna Gora was occupied.[364]

The crushing of the uprising was accompanied by terrible retaliation against the innocent population. In September, the German command in Serbia issued an order according to which for every German that was killed, 100 Serbs were to be shot, and for every wounded, 50 Serbs. On 21 October 1941, the Germans shot around 2,800 people in Kragujevac and its surroundings, including 230 grammar high school students from that town. The occupier established several camps in Serbia, the most notorious of which were Banjica and Sajmište[365] in Belgrade and the *Crveni Krst*[366] in Niš.

Mihailović briefly took refuge in Montenegro. Due to the terrible punitive measures of the occupiers, and taking into account the experience of the suffering of Serbs in World War I, Mihailović opted for a strategy of waiting for the outcome of the war on the major fronts. Meanwhile, he was preparing his movement for a mass uprising in case the Allied armies reached Yugoslavia. However, the passive strategy led to a decrease in combat morale, as well as to the collaboration of the Chetnik units with the occupier, especially the Italians. The break up with the partisan movement was final and turned into a fratricidal war. The Chetniks retaliated against the Muslims and Croats for crimes committed against Serbs in the Independent State of Croatia. It is important to note that this was never the official policy of the Yugoslav Army in the Fatherland, nor did the Supreme Command support such actions. On the contrary, Mihailović and the Supreme Command condemned such outbursts, but often distance and poor connectivity did not allow for penalties to be imposed. Moreover, efforts were constantly made to include the Muslims and Croats in the joint struggle against the enemy.[367]

On the other hand, the leadership of the partisan movement transferred all its forces from Serbia to the territories of Bosnia and Herzegovina. In anticipation of the arrival of the Red Army in the Balkans, after it had stopped the German offensive on Moscow, in addition

364 Dojčilo Mitrović, *Zapadna Srbija 1941* (Beograd: n.p., 1975), 242-284. Kosta Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1: Protiv nacizma, fašizma i komunizma* (Beograd: n.p., 2014), 157-164.

365 a/n: also called *Judenlager Semlin* or the *Jewish Camp in Zemun*.

366 a/n: in Serbian *Red Cross*.

367 For more on this, see: Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*. Dragoljub Mihailović, *Rat i mir đenerala: Izabrani ratni spisi*, vols. 1-2 (Beograd: n.p., 1998).

to the liberation stage, it moved on to the revolutionary stage of the war. A bloody confrontation with all supporters of the Chetnik movement began, as well as with those who were then considered the bourgeoisie, or, in other words, class enemies.[368] Following the example of the USSR, "proletarian brigades" were established, which were the strike force of this movement. Realizing that the arrival of the Red Army would not happen soon, the leadership of the movement returned to the policy of a covert revolutionary action and to emphasizing the anti-fascist and liberation nature of its struggle, which was reflected in the slogan, "Death to fascism! Freedom to the people!"

The foothold of the partisan movement was in the western part of Bosnia on the territory of Bosanska Krajina. This region was mainly inhabited by Serbs and suffered the greatest Ustasha attacks and crimes. The actions carried out by the partisan units from the Kozara Mountain endangered the surrounding towns, traffic and the work of the mines. For this reason, the German army, reinforced by the Ustashas and Croatian Home Guards, launched and carried out a large offensive on the Kozara Moutain during June and July 1942. Part of the partisan units and some of the people who were in the refugee camp managed to get out of the encirclement during the fighting. The rest of them were left exposed to enemy reprisals. The enemy captured the people that were fleeing and killed a large number of men, women and children. About 68,500 Serbs, mainly children, were deported from Kozara and Potkozarje: a small number of them were sent to Germany as forced laborers, and the majority was sent to the Jasenovac system of camp, where most of them perished.[369]

During that time, proletarian brigades from the eastern part of Bosnia and Herzegovina moved to Bosanska Krajina where there was a large free territory, the center of which was the town of Bihać. This territory was known as the "Republic of Bihać". The first session of the Anti-Fascist Council of the People's Liberation of Yugoslavia (AVNOJ), the highest organ of the new government, was held here.[370]

On the other hand, after the insurgent forces had divided and the Yugoslav Army in the Fatherland returned to Serbia, several offensives were launched against the Chetniks with the aim of destroying them. Some of these operations also included operations against partisans (such as Višegrad and Trio operations).[371] One of the largest operations against Chetniks in this period was Operation Bader, which was directed against units in Eastern Bosnia that were under Major Jezdimir Dangić's command.[372] Operations that were carried out in Serbia were Operation Forstrat (the 800th Special Purpose Regiment Brandenburg was used for the first time in this operation, which was later reorganized into a division), aimed at destroying

368 For more on this, see: Vasilije Kuljić, *Zločini komunista u Hercegovini 1941-1958* (Beograd: n.p., 2010). Vučeta Redžić, *Pasje groblje kod Kolašina* (Beograd: n.p., 1999).

369 "Dragoje Lukić: Roditelj pokošenog naraštaja," 20. *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1,* 224-228.

370 *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 1,* 276-279, 331-338.

371 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 325-329.

372 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 310-317. Đurić, *Major Dangić*, 30-37.

Mihailović and his staff, and Operation Kopaonik, aimed at destroying the Rasina Corps that were under Colonel Dragutin Keserović's command, and this operation was carried out by the joint activities of the newly established 7th SS Division Prinz Eugen and parts of the Bulgarian Occupation Corps. The importance of this operation is also evidenced by the fact that Heinrich Himmler himself visited Kraljevo during this operation. He was the highest official that visited Serbia during the war. This fact is often omitted in postwar historiography.[373] During 1942 and the beginning of 1943, on Mihailović's orders, numerous diversions and sabotages were carried out on railways throughout Serbia. This was primarily intended to facilitate efforts of the Allies in North Africa directed against General Erwin Rommel and his German African Corps. As a matter of fact, the supply of German units on the African continent went mostly through Serbia, on the Belgrade-Sofia and Belgrade-Thessaloniki lines. Some of these sabotages were carried out in the territories of neighboring Bulgaria, Hungary and Romania, in order to prevent reprisals against the Serb population. That this action certainly had grounds is evident from the threat that 1,000 Serbs would be liquidated for every bridge destroyed in Serbia. After the collapse of Rommel's forces in Africa, the American public listed General Mihailovic as one of the three most famous Allied commanders, together with Douglas McArthur and Semyon Tymoshenko. Furthermore, Mihailović and his fighters received commendations from all countries of the Western Allies.[374]

While in Serbia the Chetniks fought the Nazis, in Bosnia and Herzegovina the situation was completely different. The Chetniks in these territories primarily tried to save the Serb people from biological extinction. Through the division of the insurgent forces into partisans and Chetniks, another front emerged, which only further aggravated the situation. A special chapter of the war in the territories of Bosnia and Herzegovina was the attitude of the Chetniks towards the Independent State of Croatia and the Ustashas, as well as towards the Muslims. The Serbs welcomed the establishment of the Independent State of Croatia peacefully, but the Ustasha terror forced them to revolt.[375] The attitude towards the Independent State of Croatia was twofold. The part of the Chetniks that had the Italians behind them continued to fight against all other armed formations in the Independent State of Croatia. In the part that was under German control, where the Chetniks had no allies and were facing a new enemy, the communists, it was necessary to ensure peace with the Independent State of Croatia, which was still their enemy. Due to that, an agreement was reached between the Chetniks from Bosnia and the representatives of the Independent State of Croatia. These agreements were means of buying peace. A tactical ploy. The Independent State of Croatia was recognized formally, but not intrinsically. Neither the Chetniks belonged to its formations, nor did the Independent State of Croatia have any authority on Chetnik territory. The two warring parties

373 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 128-131. Kosta Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 2: Srbija pod okupacijom* (Beograd: n.p., 2014), 126-127.

374 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 2*, 131-132. For more on this, see: Novica S. Stevanović and Živomir R. Podovac, *Ravnogorska prva pobeda: Saveznička protivosovinsko-logistička operacija 1941-1943* (Beograd: n.p., 2010).

375 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 322.

temporarily made a truce, which was often violated. However, this did not mean that they collaborated.[376]

On the other hand, the Chetniks in the zone controlled by Italy (Dalmatia, Herzegovina, Montenegro) were taken under the protection of the Italians who prevented the Ustashas in their efforts to destroy the Serbs and who armed the Chetniks and encouraged them to fight against the Independent State of Croatia. The Italians, dissatisfied with the division and the German pro-Croatian policy, began to support the Serbs. Their assistance in starting the uprising itself remained unclear. In a large part of Bosnia and Herzegovina, the Serbs got rid of the Ustashas and their terror through the uprising, and the Italians were given the opportunity to expand their zone. During the war, a kind of symbiosis was created between the Italians and the Chetniks. The Italians got their peace, and in return, the Chetniks were given the necessary weapons, ammunition and other supplies. Thanks to the Chetniks, the Italians protected the population from the Ustashas, supplied them with food, and so forth. Also, this was the Italian "divide and rule" policy in action; the moment the Chetniks became too strong, the Italians would turn Muslim militias against them or allow the Ustashas to attack. If the Muslim militias became stronger, the Italians would turn Chetniks on them.[377]

When it came to Muslims, the Chetniks pursued a special policy. The goal was to recruit as many Muslims as possible into the Chetnik ranks. Chetnik retaliation against Muslims came as an act of revenge, not as the implementation of some grand plan. Nonetheless, individual incidents that sometimes took on mass crime proportions resulted in only a small number of Muslims joining the Chetniks.

The Supreme Command did not look favorably on these agreements with the Independent State of Croatia and relations with the Italians, but it did not have the mechanisms to resolve the situation, so had to accept all that as a necessary evil. However, these actions gave the partisans material for partisan propaganda against them. The Chetniks were portrayed as servants of the occupiers and collaborators of the Ustashas. The fratricidal war that broke out between the two resistance movements is certainly a great tragedy. In addition to the great persecution to which they were exposed, the Serbs also began to wage war against each other.

The pivotal year for the events on the territories of Bosnia and Herzegovina was the war year 1943. After the advance of the Western Allies on the battlefield in North Africa, in 1943, it was entirely possible for their troops to land on the Balkan Peninsula. In that case, the strong forces of partisans and Chetniks in the mountainous hinterland of the Adriatic Sea threatened the successful defense of the Germans and their allies. That is why the Germans worked out a plan to destroy both resistance movements. The operation against the partisans was called Weiss (White) and against the Chetniks Schwartz (Black). German forces, with the help of the Italian, Ustasha and Croatian Home Guard forces, as well as Muslim militias, attacked partisan forces that were concentrated in the area, stationed in the free territory known as the

376 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 370-376.
377 For more on this, see: Nikolić, *Italijanska vojska i četnici u Drugom svjetskom ratu*.

Republic of Bihać. It was decided that they were to withdraw in the direction of Herzegovina. The operational strength of the partisans was hampered by the large number of wounded for whom they had no medications or means of transport. In addition to this, a large number of civilians were moving along with the army, and they needed to be protected. The most difficult battles were fought on the slopes of Grmeč Mountain. Partisan forces that managed to escape and were moving towards the Neretva were liberating certain towns and settlements along the way. A great battle took place in the valley of the Neretva River. The Chetniks also took part in this battle because the Chetnik command considered it a favorable moment to destroy the partisans, for the Chetnik forces to break out on the shores of the Adriatic Sea and await the Allied landing. In postwar historiography, this operation was also called the Battle for the Wounded or the Battle of the Neretva. Under specific circumstances, there was a battle between partisans and Chetniks. Partisan troops managed to defeat the Chetnik forces, which numbered about 20,000 fighters, and to break through towards Eastern Bosnia. Neither of the two warring forces managed to achieve their objectives. The Partisans wanted to break thorough and reach Herzegovina and later join their forces in Montenegro, while the Chetniks wanted to destroy the partisan movement once and for all. The Chetniks failed to meet the objective mainly due to their disunity as well as due to different interests and strategies of individual commanders.[378] During the battle on the Neretva, the partisan command sent a delegation to Zagreb to negotiate with the German command. These negotiations, known as the March negotiations, aimed at exchanging prisoners of war and recognizing the partisans as a legitimate warring party. During the negotiations, a six-week truce was established, and an agreement was reached that the German army would allow the partisans to withdraw to the Italian occupation zone and deal with the Chetniks. Partisan envoys gave guarantees that if a landing of the Allied Forces took place without the approval of the General Staff, they would fight against the Allies.[379]

In parallel with Operation Weiss in central Bosnia, a small operation was launched on Ozren Mountain, which aimed to destroy the Ozren Chetnik detachment, which numbered 2,500 fighters and was under Cvijetin Todić's command. The operation called Teuffel began on 9 April 1943. The operation ended without success because the Ozren Chetniks managed to get out of the encirclement.[380]

At the beginning of May 1943, German forces began carrying out Operation Schwartz. The goal of this operation was to destroy the forces of the Yugoslav Army in the Fatherland and capture and liquidate General Mihailović and his Supreme Command. This plan was kept secret even from the allied Italian forces in Montenegro. With an attack that one German combat group launched on 14 May 1943 on the general sector of Kolasin, where the Chetnik center was located with about 2,500 fighters under Colonel Pavle Đurišić's command, Mi-

378 Petranović, *Istorija Jugoslavije 1918-1988: Knjiga II*, 239-251. Dušan Lukač, *Treći rajh i zemlje jugoistočne Evrope 1941-1945:Treći deo* (Beograd: n.p., 1987), 288-289, 419-443. Vlado Strugar, *Jugoslavija 1941-1945.* (Beograd: n.p., 1978), 89-100.

379 For more on this, see: Mišo Leković, *Martovski pregovori 1943* (Beograd: n.p., 1985).

380 Maksimović, *Sinovi Ozrena*, 132-140.

hailović's commander for Montenegro and Sandžak, Operation Schwartz began. Taken aback by the sudden appearance of German forces, sporadic and weak resistance was offered and about 2,000 Chetniks were captured. After short negotiations and an ultimatum that repressive measures would be applied against the civilian population, Đurišić surrendered with most of the command. The main objective of the operation, the capture of General Mihailović, was not achieved.[381] After these battles, the German forces continued their advance and directed their attack towards the partisans. The partisans were encircled during fierce fighting, but most of the units with their Supreme Staff broke through in early June on the Sutjeska River and pulled themselves out of the encirclement across Zelengora.[382]

In addition to these operations, which were the most extensive and most important for the further fate of Yugoslavia, the enemy launched more operations and sub-operations with the aim of destroying the resistance movements in Yugoslavia. In the territory of Serbia alone, during 1943, the Wehrmacht carried out 14 operations against the Chetniks.[383] Also, the German command placed a bounty of 100,000 Reichsmarks in gold on the heads of both Mihailović and Tito.[384]

In early September 1943, Italy capitulated. The Supreme Command of the Yugoslav Army in the Fatherland decided to launch a larger anti-Axis offensive, the goal of which was to carry out an attack on Sarajevo using weapons that would be taken over from the Italians, and to liberate the city. The Allied missions that were in the headquarters, primarily the British, advised Mihailović not to disturb the Italians because their forces would allegedly side with the Allies. Unfortunately, this advice was just a part of the Allied policy, which, due to their interests, slowly abandoned the legitimate Yugoslav Army in the Fatherland and gave its support to the partisan movement. Due to this policy, most of the weapons were taken over by the partisans, and thus they had great superiority in weapons in contrast to the Chetniks. The Chetniks managed to get only a small part of the necessary weapons.[385] However, despite all the events that took place, this offensive was not given up on. The towns of Višegrad and Rogatica were liberated and the advance towards Sarajevo began. Sarajevo was already partially encircled and an attack by Chetniks on the city was expected. However, this attack did not take place, because the Chetniks were attacked from behind by strong partisan forces. The Chetniks were forced to withdraw to Višegrad, fighting on the way there.[386]

The battles on the Neretva and Sutjeska, in the first half of 1943, were the largest operations since the beginning of the uprising. Later, the Germans did not have the strength for offensives of this magnitude. In September 1943, after the capitulation of Italy, the partisans managed to disarm numerous Italian units. After that, the Croatians and Muslims joined them en masse, as did military formations that were then part of the Independent State of Croatia

381 Nikolić, *Italijanska vojska i četnici u Drugom svjetskom ratu*, 422-425.
382 Strugar, *Jugoslavija 1941-1945.*, 100-115.
383 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 2*, 138-168.
384 Kosta Nikolić, *Nemački ratni plakat u Srbiji 1941-1944* (Beograd: n.p., 2001), 236-237.
385 Nikolić, *Italijanska vojska i četnici u Drugom svjetskom ratu*, 433-436.
386 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 598-599.

military forces as well as some Muslim militias. The partisan movement grew stronger in all parts of Yugoslavia.

At the end of 1943, the partisan movement, which had grown very strong, presented to the peoples of Yugoslavia and the forces of the Anti-Fascist Coalition the basics of the organization of the new Yugoslavia. The Second Session of AVNOJ was held in Jajce, which had been under partisan control for three months.[387] In parallel with the events in Jajce, a conference of allied leaders was held in Tehran from 28 November to 1 December, at which Prime Minister of the United Kingdom Winston Churchill, US President Franklin Roosevelt and Joseph Stalin met for the first time. At this conference, the partisan movement was finally recognized, and it was decided to cut off the supply to Mihailović, which had been meager and irregular even before that.[388] However, the allied missions remained in Mihailović's headquarters until the beginning of 1945. An underlying reason for this decision was the agreement between Winston Churchill and Joseph Stalin that Yugoslavia would fall under the Soviet sphere of interest after the war. In return, Stalin renounced his claims to Greece. Naturally, the uncompromising fight of partisan units on the ground and the lower level of combativeness of the Chetniks in comparison to the partisan movement also contributed to this decision. However, even as "passive" as it was, the Chetnik movement, with its fighting spirit and massiveness, was in the lead over other resistance movements in occupied Europe.

In response to AVNOJ's decisions, the Yugoslav Army in the Fatherland held a meeting in the village of Ba, located on the slopes of Ravna Gora. The Congress was held on 27 January 1944, on the great Orthodox holiday of Saint Sava, which is why it is known as the Saint Sava Congress. The Congress condemned the activities of the Communist Party of Yugoslavia and rejected the violent change of state and social order. It advocated a constitutional, parliamentary, federal and democratic monarchy headed by King Petar II. The future Yugoslav federation was to consist of a Serbian, Croatian and Slovenian federal unit.[389]

In the first half of 1944, German troops sought to maintain control in coastal towns due to the possibility of an invasion of the Allies, but also over major roads and mining centers. In order to relieve the severity of their position, the Germans tried to deliver heavier

387 The session was held on the night of November 29-30. During this session, the following decisions were made: 1) AVNOJ was constituted as the legislative and executive representative body of Yugoslavia, as the supreme representative of the people, and the National Committee for the Liberation of Yugoslavia (NKOJ) was established, with all the characteristics of a people's government, through which AVNOJ was to perform its executive function; 2) a federal Yugoslavia, based on the right to self-determination, in which it was planned for five South Slavic peoples – Serbs, Croats, Slovenes, Macedonians and Montenegrins – to live in six federal units – Serbia, Croatia, Slovenia, Macedonia, Montenegro and Bosnia and Herzegovina – with equal rights, was to be established; 3) the decisions of the Yugoslav government in exile were to be annuled; 4) King Petar II Karadjordjevic was to be prohibited from returning to the country until the state system of the future country (monarchy or republic) is decided on in a referendum; 5) national minorities in Yugoslavia were to be provided with all national rights. Petranović, *Istorija Jugoslavije 1918-1988: Knjiga II*, 280-290. Brajović-Đuro, *Jugoslavija u Drugom svjetskom ratu*, 131-132.

388 Brajović-Đuro, *Jugoslavija u Drugom svjetskom ratu*, 132.

389 *Knjiga o Draži* [Book about Draža], vol 2 (Windsor: n.p., 1956), 5-28. Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 249-252.

blows to both resistance movements. However, due to its strengthening and the high level of combativeness, during this period, larger operations were being carried out against the partisan movement. The Chetnik movement, which had many members and represented a strong opponent, was slowly beginning to stagnate. However, the Chetniks continued to fight smaller-scale battles against the Ustashas, Germans and Muslim units.

At the beginning of 1944, the partisan General Staff, under German pressure, had to leave Jajce and move to Drvar. In Drvar, they were spared German attacks for several months, which gave them the opportunity to prepare further operations on Chetniks in Eastern Bosnia in order to facilitate a partisan attack on Serbia, which, since the end of 1941, with a few exceptions, was almost entirely under Chetnik control. At that time, a whole series of diversions and attacks by Chetniks on German positions began again in Serbia in order to make it more difficult to withdraw German forces. During this period, the first Soviet mission arrived at the partisan headquarters, as did Churchill's son, Randolph Churchill. Secret negotiations with the Germans over the exchange of prisoners continued. A forerunner of the future secret police was also created, which was to deal with the "fifth column", that is, with the opponents of the future communist regime.

The German command decided to disintegrate the partisan movement through a quick attack of landing paratroop units with the support of armored mechanized groups. The airborne assault on Drvar was carried out on 25 May 1944. After the landing, German paratroopers encountered fierce resistance. The partisan command managed to escape and Tito was evacuated from the country. However, his stay in Bari did not last long, because he did not want to wage war from emigration, so he was transported to the island of Vis. The German offensive ended in failure on 6 June 1944.[390]

In parallel with the war they waged in the country, the partisan movement also fought for international recognition. Although the Allied Forces recognized them as a reality after the Tehran Conference, the Royal Government in London was still given full legitimacy and international support. In an attempt to preserve the monarchist movement in the country, Churchill mediated an agreement between the Royal Government and the National Committee for the Liberation of Yugoslavia, that is, the interim partisan government. There were negotiations between Tito and Dr. Ivan Šubašić, former ban of the Banovina of Croatia in the Kingdom of Yugoslavia, the new president of the Royal Government. In June 1944, the first Tito-Šubašić agreement was concluded, by which the refugee government had to accept the decisions of the Second Session of AVNOJ, pledging to work with the Allies to increase aid to Yugoslavia, and not to raise the issue of monarchy until the end of the war. In August 1944, Tito managed to avoid Churchill's proposal to form a joint Yugoslav government. As early as September 1944, when the Red Army was on the borders of Yugoslavia, Tito went to Moscow where he allowed Red Army units to enter the territory of Yugoslavia so that they could fight together, but the units were to leave after the liberation of the country. At the

390 Brajović-Đuro, *Jugoslavija u Drugom svjetskom ratu*, 150-152.

beginning of November, a new Tito-Šubašić agreement was concluded in liberated Belgrade, by which a joint government was formed, and the King handed over power to regency until free elections were held and the form of government was decided. On 5 March 1945, the regency gave a mandate for the composition of the government of the Democratic Federal Republic of Yugoslavia. The Government was formed on 7 March 1945. The Government was recognized by the governments of the Allied countries.[391]

Encouraged by the fact that the Red Army was on the borders, the partisan command launched an attack on Serbia, which was predominantly pro-Chetnik. This was also the first time since 1942 that the territories of Bosnia and Herzegovina were not the center of guerrilla warfare. During July and August, the partisans advanced in two columns. One column penetrated Montenegro, and the other penetrated Serbia. In Serbia, there were major fights with Chetnik units that had failed to offer long-term resistance, and the advance of the partisan forces, which in the meantime merged with the partisan forces that advanced through Montenegro, was slowly beginning. In September 1944, King Petar II removed Mihailović and called on his forces to join the units of the People's Liberation Army. The Red Army crossed the borders of Yugoslavia and through joint action with partisan forces, Belgrade was liberated on 25 October 1944.

The majority of Chetnik forces, led by Mihailović, crossed the Drina and went to northern Bosnia. The withdrawal of Chetniks from Serbia and Montenegro (Montenegrin Chetnik forces were led by Đurisic, who managed to get out of the Stryi camp in Poland and return to Montenegro) during the winter of 1944 was accompanied by low temperatures, constant fighting with the Ustashas and the Germans; typhus and famine gripped the Chetnik units. This further exhausted the Chetnik forces, a large part of the manpower was lost, and the remaining troops that were exhausted and demoralized concentrated on Ozren Mountain. At the beginning of 1945, a large part of northwestern Bosnia was under Mihailović's command. Mihailović planned to gather all anti-communist forces (Serb, Croatian, Slovenian and Muslim) and to have them join in action against the partisan advance. There was a split between Mihailović and Đurišić on the Vučijak Mountain. Mihailović advocated a return to Serbia, while Đurišić wanted to continue his withdrawal towards Slovenia. Accompanied by his units, mainly from Montenegro and Herzegovina, Đurišić set off in the direction of Bosanska Gradiška. However, his units found themselves trapped between partisan units in the south and Ustasha forces in the north. The main clash between Đurišić's forces and the Ustashas happened on Lijevče polje at the beginning of April 1945. Chetnik forces were disbanded and the majority of men captured. Đurišić and most of the members of the staff and the fighters were taken to Jasenovac and liquidated.[392] With the remaining forces, Mihailović tried to return to Serbia. Based on misinformation, he believed that the people who had been under a

391 Petranović, *Istorija Jugoslavije 1918-1988: Knjiga II*, 316-319. *Oslobodilački rat naroda Jugoslavije 1941-1945: Knjiga 2: Od drugog zasedanja Avnoj-a do konačne pobede* (Beograd: n.p., 1965), 330-336. Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 283-285, 303-306, 401-402.

392 For more on this, see: Bojan Dimitrijević, *Golgota četnika* (Beograd: n.p., 2019).

communist dictatorship for 6 months would rise up in revolt. The remaining Chetnik forces moved west on 13 April 1945 and soon began to move south. The goal was to descend to the Drina via Zelengora and then to go further through Sandžak to Serbia. While they were moving, the Chetnik forces constantly clashed with the Croatian army, Muslim militias and partisans. On 12 and 13 May 1945, on Zelengora, the Chetniks clashed with the Yugoslav Army, as the units that had evolved out of the partisan movement were then called. Chetniks, exhausted by hunger, disease, fighting and demoralized, were a weak opponent with regard to the well-equipped forces that were accompanied by artillery, armored mechanized units as well as aviation, and were defeated and broken up into smaller groups. Some of these groups still managed to reach Serbia with the desire of starting an uprising and continuing the fight, but they were mainly neutralized. Mihailović himself hid with a small group of his supporters in the vicinity of Višegrad, where he was captured on 13 March 1946 and taken to Belgrade. He was tried in Belgrade from 10 June to 15 July 1946 and was convicted of high treason and war crimes. He was executed at an unknown location on 17 July 1946. The location where he was buried remains unknown.[393] Although messages arrived from Western countries asking that Mihailović be spared and given a less severe sentence, he was still too much of a threat to the new communist authorities. On 29 March 1948, US President Harry Truman posthumously awarded him the Legion of Merit.

During March and April, the fight for the liberation of the remaining parts of occupied Yugoslavia intensified. German forces stabilized in Srem, where the so-called Srem Front was formed. Even though they were withdrawing, these units offered quite a resistance. On the other hand, the attacks were most often carried out by newly recruited fighters from Serbia and Macedonia who had no prior war experience, so in the beginning, Yugoslav Army units suffered heavy losses.[394] The final offensive of the Yugoslav Army for the liberation of the western parts of Yugoslavia began on 20 March 1945. The 4th Army broke through the enemy front in Lika and by mid-April, Lika had been liberated, as were parts of western Bosnia, Gorski Kotar and the Croatian Littoral. At the end of April, Rijeka, the Kvarner Islands, Istria and the Slovenian Littoral were liberated, and on May 1, Yugoslav Army units entered Trieste.[395] At the end of March, the Second Army launched an offensive. Its main goal was the liberation of Sarajevo because the Germans were withdrawing in that direction. Sarajevo was liberated on April 6, and then the Second Army merged with the units of the First Army in the valley of the Sava.[396] After fierce fighting, the First Army broke through the Srem Front on 12 April.[397] Coordinating their operations, the First, Second and Third armies penetrated Bosnia and Croatia, approaching Zagreb, which was liberated on 9 May. Units of the 7th Corps that fought in the rear of the enemy liberated Ljubljana on the same day that Zagreb was liberated.

393 Nikolić, *Istorija Ravnogorskog pokreta 1941-1945: Knjiga 1*, 481.
394 For more on this see: Ljubivoje Pajović, Dušan Uzelac and Milovan Dželebić, *Sremski front 1944-1945* (Beograd: n.p., 1979).
395 *Završne operacije za oslobođenje Jugoslavije 1944-1945* (Beograd: n.p., 1957), 473-514.
396 *Završne operacije za oslobođenje Jugoslavije 1944-1945*, 516-533.
397 Ibid, 545-549.

The fighting continued even after Germany capitulated on 9 May 1945 and lasted until 15 May, because German and Quisling units refused to capitulate.

Part of the Yugoslav Army units crossed into the territory of Austria, where they surrounded parts of the German group "E" as well as a large number of Quisling formations (Ustashas, Croatian Home Guards, Slovenian Home Guards, Russian White Guards, members of armed formations from Serbia under the command of Milan Nedić and Dimitrije Ljotić, Montenegrin separatist forces under the command of Sekula Drljevic, in whose ranks, after the disaster on Lijevče Field, there was a significant number of Montenegrin and Herzegovinian Chetniks) who tried to break through to Austria and surrender themselves to the Western Allies. Some of them managed to get out of the encirclement, and most of those were handed over to the Yugoslav authorities by the Allies.

In the final operations, the Yugoslav Army cooperated with Soviet and British troops. However, there was also a disagreement with the English Government and the command about the Yugoslav occupation of Trieste, Istria and Carinthia, which were liberated, and the disagreement was resolved with the withdrawal of the Yugoslav Army troops from Trieste. Alexander von Löhr's troops were encircled in Slovenia. Around 300,000 Germans and Quislings were captured, and huge amounts of war materiel were seized.[398] On 15 May, General Kosta Nađ informed Tito by telegram that the war on the territory of Yugoslavia had ended victoriously.

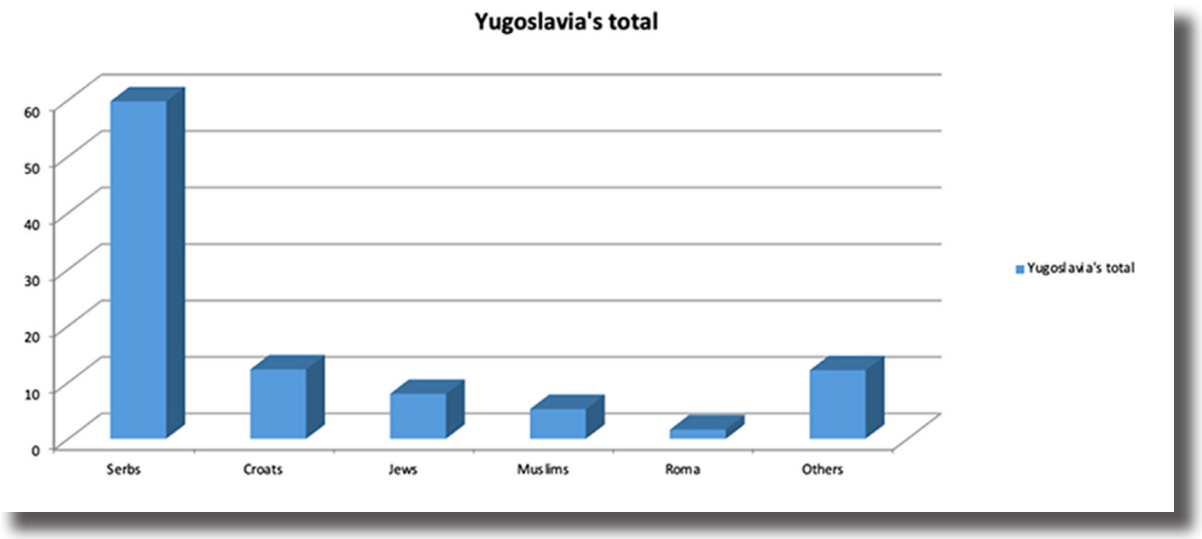
3.10. The Communist period

In all of Yugoslavia, the end of World War II and fascist occupation was greeted with relief. Unlike World War I, during which Serbia had suffered the greatest human losses, in World War II it was Bosnia and Herzegovina that suffered the greatest number of casualties. The causes of deaths were not limited to the battlefield only, but also a large number of people died in the Holocaust and in the genocide against Serbs and Roma committed by the Independent State of Croatia[399]. It is certainly worth mentioning that there was a clear intention to exterminate the aforementioned peoples in the territory of the Independent State of Croatia, which was not only expressed through the public expressions of various Ustasha officials, but also the state itself was involved by organizing and legitimizing institutions for the extermination of people. The exact number of victims, both in Yugoslavia and in Bosnia and Herzegovina, is very difficult to ascertain due to the long amount of time that has passed since then, as well as the fact that many victims were not buried in graves, but were instead thrown into rivers or burned. Moreover, there is information that as the war was coming to an end, the Ustashas, in order to hide their crimes, dug up the existing tombs and removed the corpses that were in them.[400]

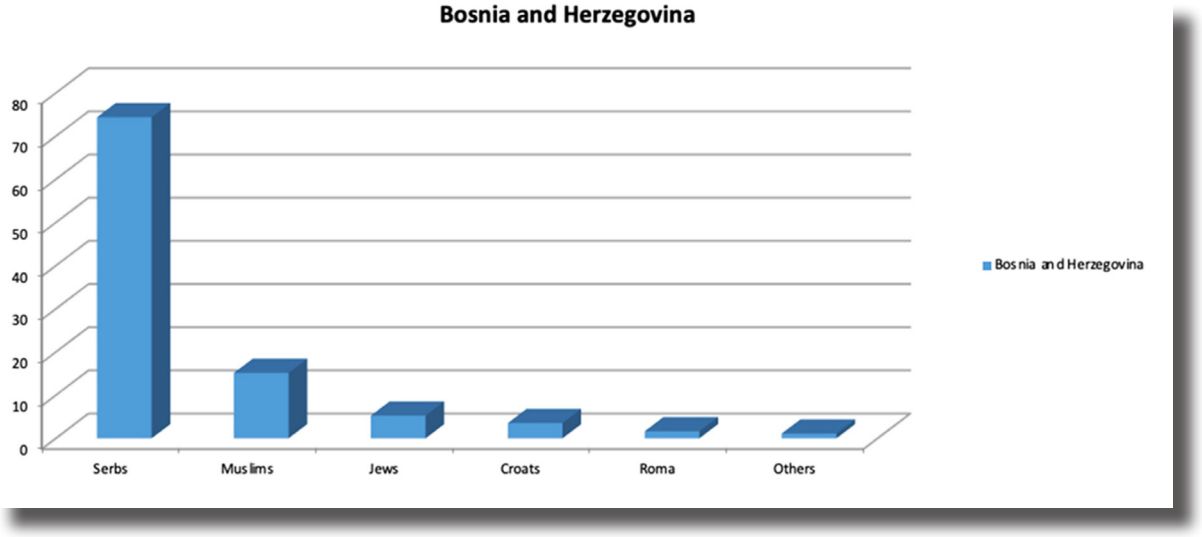
398 Ibid, 724.

399 Hereinafter: NDH.

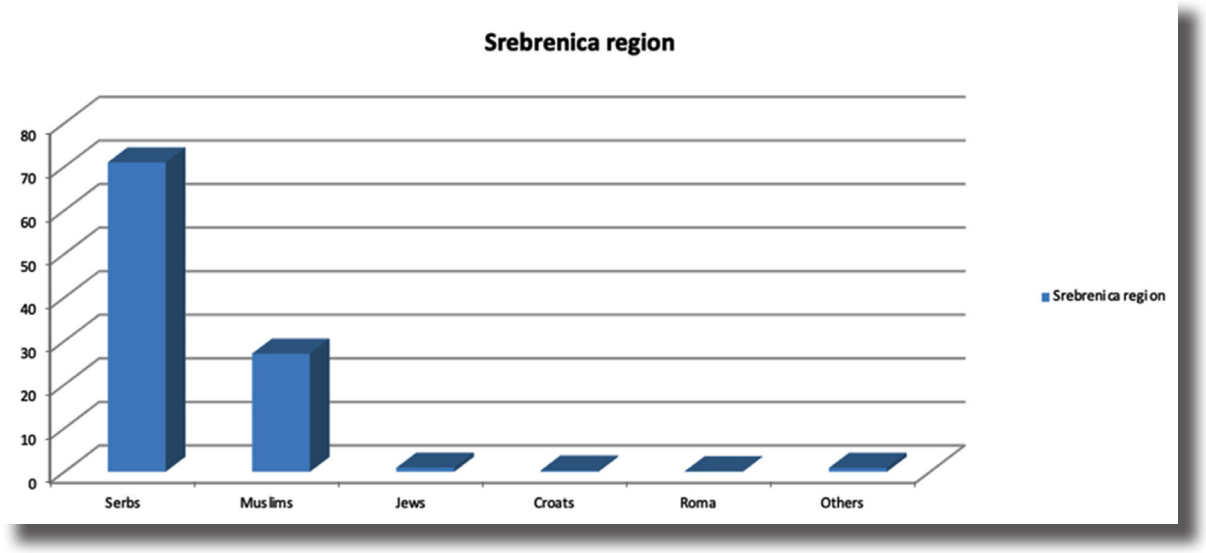
400 "Ekskluzivno: Otkriven ključni zračni dokaz masovnih zločina u Jasenovcu," *Nacional*, January 15, 2019, https://www.nacional.hr/ekskluzivno-otkriven-kljucni-zracni-dokaz-masovnih-zlocina-u-jasenovcu/



According to the above chart, of the total number of victims in Yugoslavia, it can be seen that 59.77% were Serbs, followed by Croats at 12.32%, then Jews at 7.99%, Muslims at 5.28%, Roma at 1.66%, and other peoples at 12.16%.



Above is a chart of the number of victims in the territory of Bosnia and Herzegovina, the population of which suffered the greatest casualties during the past war. It is more than evident that the majority of the victims were Serbs at 74.40% of the total number of victims, followed by Muslims at 15.18%, Jews at 5.27%, Croats at 3.55%, Roma at 1.66%, and other peoples at 1.12%.



Regarding the number of victims in the Srebrenica region during World War II, once again, it is clear that the majority of the victims were Serbs at 70.97%, followed by Muslims at 27.07%, Jews at 0.90%, Croats at 0.25%, Roma 0.10%, and others at 0.86%.[401]

Furthermore, the period of the end of World War II was marked in Bosnia and Herzegovina by support for the new communist government, which made sense since it came after an occupation regime. It is certainly important to mention that, for much of the war, both the Partisan Chief Headquarters and the leadership of the Communist Party of Yugoslavia were in the territory of Bosnia and Herzegovina.[402] Likewise, on those same grounds, foundations were laid for a new country through the establishment of AVNOJ and ZAVNOBiH[403]. During that period, Bosnia and Herzegovina, just like other federal units of communist Yugoslavia, developed as an integrated part of a single state under the command of the Communist Party of Yugoslavia. It obtained the status of a federal unit in 1945, after a debate in the Party itself, because one part of the leadership believed that due to its Serb majority it should be a province within the Republic of Serbia.[404]

Thus, as the end of World War II was nearing, the Communist Party of Yugoslavia was finalising the process of constituting authorities. In Bosnia and Herzegovina, this process was finalized with the 3rd Session of ZAVNOBiH, which was held from 26 to 28 April 1945 in Sarajevo. During it, the Decision amending the Decision on the constitution of the State Anti-Fascist Council for the People's Liberation of Bosnia and Herzegovina was adopted. As a matter of fact, the Decision that was amended had been adopted a year before that and with it ZAVNOBiH was constituted as the People's Assembly of Bosnia and Herzegovina, which meant that the Third Session in a way represented the beginning of the work of the People's

401 "Popis žrtava rata 1941-1945: Tabelarni pregled sačinjen posle nepotpune revizije," *Muzej žrtava genocida*, http://www.muzejgenocida.rs/images/rTabPregled.pdf
402 Čedomir Antić and Nenad Kecmanović, *Istorija Republike Srpske* (Beograd: n.p., 2016), 209-210.
403 a/n: State Anti-Fascist Council of the People's Liberation of Bosnia and Herzegovina.
404 Antić and Kecmanović, *Istorija Republike Srpske*, 211-212.

Assembly of Bosnia and Herzegovina.[405] The next step in building the state organization of Yugoslavia, and with it of Bosnia and Herzegovina, as well, was the 3rd Session of AVNOJ which was held on 10 August 1945 and in it, it was transformed into the Interim People's Assembly of Yugoslavia. In order to confirm all the decisions that had been rendered up to that point, and with the aim of organizing the state of Yugoslavia, elections were scheduled for 11 November 1945. The Election Law guaranteed all citizens of Yugoslavia, who were of age, equal electoral rights, regardless of their gender, race, religion, education, and place of residence. Nonetheless, this comprehensive electoral right was still restricted by the adopting of the Law on Electoral Rolls, which stipulated the exclusion of all those whose reputation was compromised with regard to the People's Liberation War and its principles for organizing a revolutionary government model. There were two election ballot boxes; one for ballot papers for the master list of the People's Front of Yugoslavia, with Josip Broz Tito as its main candidate, which got 90.48% of votes, while the ballot papers placed in the other box, known as the "blind" box, which was without a list, made up 9.52% of votes. The People's Assembly of Bosnia and Herzegovina, created from the ZAVNOBiH, performed the tasks in connection with the consolidation of the new government of the people, rebuilding of the country, and creating conditions for the elections of members and the convocation of the Constituent Assembly, which, in accordance with the legislation of the new Yugoslavia, was to adopt the new constitution of Bosnia and Herzegovina. These elections were held on 13 October 1946, and again there were two ballot boxes used, one for the People's Front and the other one, the blind box. After the elections were held, the Constituent Assembly of Bosnia and Herzegovina was convened on 11 November 1946, and at that point it adopted all of the acts issued by the ZAVNOBiH, that is, the People's Assembly of Bosnia and Herzegovina. Finally, on 31 December 1946 it adopted and proclaimed the Constitution of the People's Republic of Bosnia and Herzegovina, by which act all the development of all institutions required for the creation of one out of the six federal units of the People's Federal Republic of Yugoslavia was completed.[406]

The newly adopted Constitution, a faithful copy of the Soviet constitution that had been adopted ten years earlier, promised the citizens of Yugoslavia equality regardless of race, nationality, language, religion, education, and social status.[407] It guaranteed individual freedoms, such as freedom of religion and belief, freedom of speech, of the press, of assembly and association, as well as the right to private property and private businesses. However, in practice the situation was not exactly like that, thus although some freedoms were constitutionally guaranteed, it was not possible to exercise them due to the state monopoly.[408] More precisely, the Constitution promoted the administrative and centralist governmental system in the federal bodies, following the Soviet model, according to which Yugoslav patriotism

405 *Parlamentarna skupština Bosne i Hercegovine* (Sarajevo: n.p., 2010), 55.
406 *Parlamentarna skupština*, 57-58
407 Noel Malcolm, *Bosnia: A Short History* (New York: n.p., 1993), 262.
408 Henry M. Christman, *The Essential Tito* (Newton Abbot: David and Charles, 1971), 56-58.

should have been above republic affiliation, class identification above national one, and the treatment of religious communities should have been restrictive in accordance with the ideology of atheism.[409] The communists tried to impose the principle of national equality, which was based on a false image of equal sufferings of Serbs, Croats, and Muslims in the fight against the occupying forces. An artificial symmetry was also being created when presenting the roles of Ustashas and Chetniks in the war, as they were being fully equated through attributing Quisling-like traits to the Chetniks.

When it comes to the promotion of national equality, it was most pronounced in Bosnia and Herzegovina since it was the only republic without a nation that constituted a majority. For this reason precisely, the communists tried to present is as neither Serb, nor Croatian, nor Muslim, while at the same time it was to be the republic of all those peoples, borne on wings of the Yugoslav ideology. Consequently, soon enough, they started referring to it as the "Yugoslavia in miniature" or "Little Yugoslavia". Bosnia and Herzegovina fit into the model of a centralized federation, in which the republics' borders were to be perceived as administrative, much better than the other republics because, unlike Serbia and Montenegro, it did not possess a living tradition of its state independence and, unlike Croatia and Slovenia, its residents did not even dream of gaining it. This also helped the political leadership of the People's Republic of Bosnia and Herzegovina place more emphasis on pursuing federal (Yugoslav), instead of republic (Bosnian-Herzegovinian) policies.[410]

After securing legal peace with the new Constitution, the communists got even more comfortable and it became clear that they decided to remove all of their earlier and newly made enemies. First, they neutralized all political parties except the communist one, as well as came into conflict with the Roman Catholic and Serbian Orthodox Churches. The conflict between the state and the Serbian Orthodox Church was not as intense as the one between it and the Roman Catholic Church, for which, by all means, there is an explanation. As a matter of fact, in Bosnia and Herzegovina, the influence of the Orthodox Church was already weakened due to the loss of the clergy and the destruction of property in World War II during the time of the Independent State of Croatia. Regarding the Muslim community, the communists initially tried not to hurt them with anything, but in 1946 they abolished the Islamic courts, solely because they did not like the existence of an alternative judicial system.[411]

Moreover, during the first few years after the war, following the Soviet model, social transformation began in socialist Yugoslavia, where the main emphasis was placed on economic planning in which the state was involved. The expropriation of the property of the occupier and its collaborators was actively carried out, and tax was put on war profits. This led to significant changes inside Yugoslavia, thus, for example, a part of Serbs from Bosnia and Herzegovina was moved to Vojvodina, which became an area of a large scale social and

409 Antić and Kecmanović, *Istorija Republike Srpske*, 210.
410 Ibid, 212.
411 Richard J. Crampton, *The Balkans since the Second World War* (New York: n.p., 2002), 43-45.

ethnic experiment, where mainly Serbs were resettled to. In the period between 1945 and 1948, around 100,000 Serbs left Bosnia and Herzegovina, which permanently changed the demographic and, accordingly, the national structure of the Republic.[412] In that period, the law on agrarian reform was passed, and it was based on the principle that the land should belong to the person who cultivates it.[413] Put more simply, large estates owned by banks, large companies, churches, monasteries, charitable foundations and the like were leased. Accordingly, the first years after the war were marked by socialist shockwork, which meant that the first voluntary youth work actions were organized in Bosnia and Herzegovina in order to build railways, and renewed plants in industrial centers led to the migration of the rural population to urban areas, which then led to changes in life culture.[414] Essentially, in 1945, the communists prevented the return of the king to Yugoslavia, neutralized and liquidated most of their internal political opponents, and started a social transformation aimed at destroying the private property and expelling foreign capital from the country, which was followed by consolidation and institutionalization of the aforementioned changes.[415]

As for the foreign policy of Yugoslavia in the first years after the war, the most impressive was the relationship with the Union of Soviet Socialist Republics, that is, the relationship between Tito and Stalin. As a matter of fact, these two leaders did not know each other before the outbreak of World War II, but it can be said that Tito was Stalin's faithful follower in that period. The fact is that he was in Moscow during the great purge in which his predecessor at the head of the Yugoslav communists, Milan Grokić, was liquidated, but at that point he certainly had not met the Soviet leader.[416] Bearing the above in mind, it can be argued that their relationship began during the partisan fighting in the war, in the period when the Soviets began to pay attention to what was happening in Yugoslavia. It was from that period that Stalin began to think about the Yugoslav partisans, but even then he was not completely satisfied with the fact that Tito, besides fighting a war for the people's liberation, wanted to pull off a revolutionary coup, believing that he, Tito, as well could somehow be indirectly connected with revolutionary aspirations

Following the historical course of events, it can be said that at the end of 1944, Tito became an "eligible bachelorette" because at that point he had two "suitors", Stalin and British Prime Minister Winston Churchill, which undoubtedly contributed to strengthening his position. As a matter of fact, at the Allied leaders' conference in Tehran in November 1943, Churchill made the decision to redirect the Allied aid from Dragoljub Draža Mihailović and the Yugoslav Army back in the homeland to Tito.[417] He managed to preserve that position

412 Antić and Kecmanović, *Istorija Republike Srpske*, 214.
413 Crampton, *The Balkans,* 46-47.
414 Malcolm, *Bosnia*, 261.
415 Crampton, *The Balkans,* 37.
416 Vojislav G. Pavlović, "Stalinism without Stalin: The Soviet Origins of Tito's Yugoslavia 1937-1948," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 14-18.
417 Ljubodrag Dimić, "Yugoslav-Soviet Relations: The View of the Western Diplomats (1944-1946)," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116,

until the end of the war, using it to come out of the war with one of the most numerous guerrilla armies in Europe. On the other hand, he was also using the Soviet aid, thus in 1944, he traveled with a delegation to Moscow in order to reach agreements on the entry of Soviet armies into Yugoslavia that were to liberate certain regions.[418] After Belgrade was liberated on 20 November 1944 by the Red Army, Tito turned exclusively to the USSR and Stalin. In that period, the Treaty of Friendship, Mutual Aid, and Post-War Cooperation between the USSR and Yugoslavia was signed.[419] It was essentially an international legal act establishing the post-war security in Europe.

As previously mentioned, after the war, the situation in the country was bad, the country was in ruins, and the average income was one of the lowest in Europe. In order to reconstruct the country, there was a need for capable people, which it did not have, thus the Soviet aid included sending experts in various fields to Yugoslavia. At that time, the prestige of the USSR in the world was at its peak, but not for long. As a matter of fact, relations between the Soviet Union and Great Britain soon cooled, and that process can be tracked from 1946, when British Prime Minister Churchill had publicly warned of the growing influence of communism and fear of its expansionist intentions.[420] This, relatively speaking, marked the beginning of the Cold War, and it also lead to the interference of the United States of America in the economic strengthening of Europe with an explicit background objective of fighting against communism. In line with the relations that prevailed at the time, Moscow rejected the American economic plan called the Marshall Plan.[421] Following the Soviets' lead, Yugoslavia did the same, even though preparations for this Five-Year Development Plan were in full swing at the time. Therefore it is clear that back then, regarding its further development, Yugoslavia was left with the only option of relying on the USSR and eastern European countries such as Poland, Romania, Bulgaria, Czechoslovakia, and Albania. Precisely because of that, a series of friendly alliances were made with these countries, through which Yugoslavia entered a bloc that stood opposite the capitalist system.[422]

All this together indicates that after 1945, Tito was the most loyal Stalinist, and the processes of Stalinization were far more aggressive in Yugoslavia than in any other country in the bloc. This is supported by the fact that the Yugoslav leader himself behaved during that period as if Yugoslavia was part of the USSR. Even in June 1946, when he visited Moscow, everything seemed flawless in the relationship between the two leaders, and it seemed practically impossible for a split between them to happen. However, in the next few years, the strengthening of the Yugoslav communists' pride in their success during the past war and

ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 109-111.

418 Bojan Dimitrijević, "Yugoslav-Soviet Military Relations," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 142.

419 Branko Petranović, *Istorija Jugoslavije 1918-1988: Knjiga III: Socijalistička Jugoslavija 1945-1988* (Beograd: n.p., 1988), 162.

420 Britta Bjornlund, *The Cold War* (San Diego: n.p., 2002), 32-33.

421 John Lewis Gaddis, *The Cold War: A New History* (New York: n.p., 2005), 30-32.

422 Petranović, *Istorija Jugoslavije 1918-1988: Knjiga III*, 172-181.

a growing tendency to reject a servile attitude towards Moscow became more pronounced, which was unacceptable to Stalin. However, on a practical level, the conflict arose over other matters, in particular because of Tito's attitude towards Bulgaria and Albania, as well as his support for the partisans in the Greek civil war.[423] Furthermore, Tito most certainly felt that he had a foothold in the Party, and both he and Stalin somehow felt that they could be a kind of a lynch-pin, that is, a master, in the area that in a broader sense included the Balkan Peninsula. This led to attempts by the Yugoslav leader to pursue an independent policy in relations with Italy, Greece, and Albania. On the other hand, Stalin was mainly concerned by that because it was ruining his relations with the Western war allies, and it also could have sparked a new great conflict.[424] Bluntly put, Tito did not respect the hierarchy, and the Comintern rested on a very strict hierarchy in which the Communist Party of the USSR was at the top, and all other persons, organizations, personel and so on were subordinated to it and were obliged to carry out orders. It is important to mention in this context that in late 1947 the process of the creation of the Balkans federation with Bulgaria and Albania was very much alive, which was a process that the Yugoslav leader initiated without the knowledge and outside the control of Moscow.[425] It was precisely these events that Stalin wanted to talk about with the Yugoslav and Bulgarian delegations, so he invited them to the Kremlin. However, not wanting to go there himself, Tito found a diplomatic excuse, thus he simply sent his representatives, Edvard Kardelj and Milovan Đilas.[426] This was a clear sign that something was wrong in a relationship that had been quite good up until not long before that, and the bad situation was further deepened by the correspondence between the Central Committees when clear accusations against the Communist Party of Yugoslavia came. After that, the trade alliance between the two countries was broken, and finally Tito received a letter from Stalin in which he clearly emphasized that the Communist Party of Yugoslavia was pursuing the wrong policy within its country. He believed that there was no democracy in the party, that the Yugoslavs were revisionists, that they had made mistakes in many decisions related to communist ideology, and he especially emphasized in the letter that with such an attitude they had positioned themselves as enemies of the USSR. Soon after, Stalin sent the Yugoslav leader an invitation letter to a meeting aimed at resolving the burning problem before the Information Bureau,

423 Leonid Gibianskii, "Federative Projects of the Balkan Communists, and the USSR Policy During Second World War and at the Beginning of the Cold War," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 44-60.

424 This mainly refers to the interfering of the Yugoslav leader Josip Broz Tito in the Greek civil war and his providing of support to the Greek partisans. Stalin was opposed to such an attitude because he believed that it could lead to a deterioration of relations with former allies and to a new potential war for which the USSR was not ready at that point. Anatoly Anikeev, "The Idea for a Balkan Federation: The Civil War in Greece and Soviet-Yugoslav conflict 1949," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011).

425 Paul Shoup, *Communism and the Yugoslav National Question* (New York: n.p., 1968), 130-135.

426 Andrey Edemskii, "The Role of Milovan Djilas in Soviet-Yugoslav Relations 1944-1954," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 193.

but Tito declined, explaining that the arguments of his party and leadership could not change anything anymore.[427] Thus, without the Yugoslavs, the representatives of other communist parties passed a Resolution of the Information Bureau, published on 28 July 1948, which accused the Communist Party of Yugoslavia of anti-Sovietism and demanded the removal of its leadership.[428]

The news came as a surprise to the population of Yugoslavia, and the main problem arose because the Yugoslav communists, in addition to the path of Tito, also nurtured the path of Stalin, perceiving him as a great protector and winner in World War II. They were presented with a dilemma, which led to a split within the Party, and thus to a division within the population. Since Tito, relatively speaking, said "NO" to Stalin, all pro-Soviet communists became number one enemies of Yugoslavia. The Party had to react quickly, resulting in about eight and a half thousand Information Bureau supporters from all over the country being interned by the State Security Administration[429] in camps across the country, the most famous of which was the one on Goli Otok. This situation also led to disagreements in the Party leadership in Bosnia and Herzegovina. In fact the entire leadership of the city committee of Sarajevo sided with the Information Bureau, and thus they all ended up on Goli Otok. On the other hand, the Republic's Party leadership was not as categorical and was vacillating, which was also considered treason, thus in mid-July 1948, Tito invited them to a meeting in Karađorđevo. After several days of persuasion, all of them returned satisfied to their positions back in the capital, with a strong desire to prove their loyalty to the leader of Yugoslavia.[430]

Soon, an opportunity for that arose. As a matter of fact, as previously mentioned, until 1948, the communists based their economy on the Soviet model, meaning that the peasant population was forced to join peasant cooperatives, and the state imposed agricultural product quotas that had to be delivered. Despite their enthusiasm and use of coercion to implement the prescribed measures, by 1950, the new authorities did not manage to ensure even half of the agricultural production once achieved by the Kingdom of Yugoslavia. Taking this into account, with particular reference to the period since the break with the USSR, the country was threatened by famine. In response, the authorities decided to increase the quotas, sparking revolt among peasants throughout Yugoslavia. Despite the severe punishments, people preferred to kill their cattle and burn their wheat rather than to hand it over to the state. Dissatisfaction with the state looting culminated in an armed uprising in Cazinska Krajina.[431] A Communist Party of Yugoslavia member and a partisan fighter, Milan Božić, could not cope with the injustice towards the peasantry, thus he decided to start an uprising. He was

427 "The Letter that Ended Yugoslavia's Links to Soviet Union," *BBC News*, June 24, 2015, https://www.bbc.com/news/av/magazine-33185017/the-letter-that-ended-yugoslavia-s-links-to-soviet-union

428 Rinna Elina Kullaa, "Origins of the Tito-Stalin Split Within the Wider Set of Yugoslav-Soviet Relations (1941-1948)," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 87-88.

429 Hereinafter: UDB.

430 Antić and Kecmanović, *Istorija Republike Srpske*, 214-215.

431 Vera Kržišnik-Bukić, *Cazinska buna 1950* (Sarajevo: n.p., 1991), 34-37.

joined in the fight by some former comrades-in-arms, Muslim villages from Krajina, as well as those communists who supported the USSR in the Tito-Stalin conflict. The insurgents entered Cazin on 28 June 1950, destroying a number of People's Committees and burning documents related to the peasants' incomes. However, the Party leadership of the Republic of Bosnia and Herzegovina did not sit idle either, seeing a good opportunity in that to show their loyalty to Tito. They immediately sent a tank brigade from Banja Luka, which dispersed the insurgents in no time, killing more than 30 villagers and arresting more than 700 of them. Courts before which the insurgents were tried had been established on an urgent basis, and while some were sentenced to death, most were sentenced to prison.[432] They took revenge on some by moving them together with their families from Cazinska Krajina to other places, which was certainly another factor that contributed to the change in the demographic that would be noticed later.[433] The communist leadership tried to portray the uprising as a counter-revolution or rebellion of pro-Stalinists, concealing the fact that those who had rebelled against them were mainly former partisans, former comrades-in-arms.

In the first years after the split between Tito and Stalin, the "Soviet state socialism" was no longer the basis for constructing a new Yugoslav identity. The Yugoslav communists justified this change by claiming that the Soviets had misunderstood Karl Marx's socialist vision of the future, by calling them "revisionists", while stating that they had always been on the right path.[434] Essentially, the main problem between them was a different view of the development of a state under socialism, because the Soviet communists, unlike the Yugoslav ones, considered the state to be very much necessary and that it, accordingly, needed to be strengthened and not weakened. Internally, Yugoslav leaders were severely disoriented by the severing of ties with the Soviet Union in 1948. Their intention was to build socialism following the Soviet model, and then, all of a sudden, they had to protect the Party and the state itself from the Soviet coup, whose troops were accumulating on the borders of the state. The beginnings of self-government can be seen in the second half of 1949, when Tito's government implemented a series of measures according to which the Yugoslav variant of socialism began to differ from the Soviet one.[435] The process of re-shaping Yugoslavia could not be completed as long as state institutions survived as irreplaceable. The most powerful institution, the Communist Party of Yugoslavia, underwent a serious reconstruction in November 1952, when it was renamed the League of Communists of Yugoslavia[436] in order to differentiate itself from the Soviet parties. With that same aim, the renamed party claimed that its role in the state and society was an "ideological" rather than a "leading" one. The ideology of self-government was the work of Tito's closest associates, Edvard Kardelj and Milovan Đilas.[437] The transition to self-government was a specific project of the Yugoslav

432 Petranović, *Istorija Jugoslavije 1918-1988: Knjiga III*, 225-226.
433 Kižišnik-Bukić, *Cazinska buna 1950*, 383-399.
434 Vaclav Havel, *Open Letters* (London: Faber and Faber, 1991), 377-389.
435 Crampton, *The Balkans,* 165.
436 Hereinafer: SKJ.
437 Crampton, *The Balkans,* 165.

path to socialism, which promised much more than what could realistically be realized. [438] This path was supposed to be ensured by the new Constitution of 1953, which brought about certain changes inside the state, party, and social structures. It was aimed at emphasizing the difference between Yugoslavia and the Soviet bloc, as well as instilling the new notion of "workers' self-government" in the roots of politics. From that point on, the People's Committees became the main bodies of state power in municipalities and counties, while at the other end of the state there was the president, and that was Tito himself.[439] Essentially, all these changes, in practice, were reduced to a slight increase in market size, private properties, personal consumption, and more democracy and freedom than there was in the USSR. However, that there was not so much democracy and freedom of speech can be seen in the example of Milovan Đilas, one of Tito's closest associates, who, inter alia, was known as a war hero of the People's Liberation War. As a matter of fact, due to the articles he published and in which he criticized the Party's leadership for transforming itself into a caste that only thought of satisfying its own needs, he was accused in 1954 at the plenum of the Central Committee and was expelled from the Party. Two years after that, in the West, he published articles in which he stated his support for the Hungarian revolution, which resulted in him being arrested and sentenced to prison.[440]

The Yugoslav-Soviet split was of world importance. For Yugoslavia, it meant finding a new path, a path that would still have the basic features of socialism, but would no longer rely on the USSR and its satellite states. Tito's "NO" to Stalin, as well as distancing Yugoslavia from the communist bloc, and thus becoming closer with the West, at that time contributed to Yugoslavia being favored in the eyes of world statesmen. After the Information Bureau Resolution, Tito did not immediately want to turn to the West for help because he hoped to find support in the Chinese Communists. Yet, very soon, in September 1949, Belgrade agreed to the first loan, and in 1950 they also accepted military aid because the Yugoslav leadership feared the outbreak of war in Korea, which Stalin could have used to attack them.[441] There were also attempts to bring Yugoslavia closer to NATO[442], and in February 1953 an agreement on friendship and cooperation was signed with Greece and Turkey, and, a few months later, it was followed by a military agreement as well, which was signed in Bled, Slovenia.[443] On the other hand, after Stalin's death, relations with the USSR improved, particularly after President Nikita Khrushchev's visit to Yugoslavia in 1956, when he stated that regretted the decision of the Comintern.[444] All these events, in a way, intoxicated Tito with fame because he believed that he was the only statesman who was equally valued in the USA and the USSR

438 Antić and Kecmanović, *Istorija Republike Srpske*, 215.
439 Crampton, *The Balkans,* 168.
440 Edemskii, "The role of Milovan Djilas, " 211-219.
441 Gaddis, *The Cold War*, 32.
442 The North Atlantic Treaty Organization is a military alliance based on an agreement signed on 4 April 1949.
443 Dragan Bogetić, "Conflict with Cominform and Shaping of a New Yugoslav Foreign Policy Orientation," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 229-230.
444 Milan Terzić, "Preservation of Ideological Identity: The Normalization of Soviet-Yugoslav Relations after Stalin's Death," in *The Balkans in the Cold War: Balkan Federations, Cominform, Yugoslav-Soviet Conflict*, special editions 116, ed. Vojislav G. Pavlović (Belgrade: n.p., 2011), 238-241.

during the time of the Cold War. He hoped to become the leader of the "Fifth International", that is, to gather the dissident countries of the Soviet camp through socialist self-government. Soon, a conflict arose between the Soviets and Hungary, in which Tito also contributed in his own way, but, apparently, what he did in that particular conflict was not enough, and this resulted in the failure of his plan of self-government in Eastern Europe and, thus, he decided to turn to Africa and Asia.

In a situation of general international tension, the idea of forming an organization that would not belong to either bloc developed. After World War II, a large number of new, independent states emerged that did not want to be included in the existing blocs.[445] The main drivers of non-aligned policy were the Yugoslav President, the Indian Prime Minister, and the Egyptian President. In 1955, the Yugoslav leader visited Indian Prime Minister Jawaharlal Nehru and Egyptian President Gamal Abdel Nasser. The following year, the two of them, together with Indonesian President Sukarno, came to Yugoslavia, where a declaration of "positive neutrality" was signed in Brijuni. The basic postulates of the "non-aligned" were struggling to ease tensions in the world, overcoming the Cold War, and advocating for general cooperation following the principles of the United Nations Charter. Thus began the Yugoslav policy of non-alignment, which contributed to a neutral positioning in world events, while it also, no doubt, pleased Tito's considerable vanity.[446]

Non-alignment was, in essence, the logical path of the new policy of the Yugoslav leader, which was projected towards the countries of the Third World[447], because that was precisely where the Yugoslav significance and domination were reflected.[448] With this move, Tito wanted to put himself at the head of the Third World countries and thus gain influence in world politics. Tito used Bosnian-Herzegovinian Muslims to strengthen himself within the Non-Aligned Movement, which was dominated by Islamic countries. In other words, he was building up an image of their role in Yugoslavia, and later it would become clear that they also used the situation in which they found themselves quite well. During this period, the Grand Mufti, the country's highest Islamic representative, began to appear more and more frequently when welcoming statesmen from the non-aligned countries. In addition to this, the number of Muslims in almost all state and Party leaderships increased, and the role they were given in the domestic and foreign policy gave the Bosnian-Herzegovinian Muslims an impulse of a collective self-confidence. From that period, Muslim religious affiliation was recommended to anyone hoping to climb the ladder in diplomacy, thus it was noted that in the mid-1970s, prominent Muslims from Bosnia and Herzegovina spent some time in several Arab countries as diplomats. It is clear that all of them were members of the League of Com-

445 Edvard Kardelj, *The Historical Roots of Non-Alignment* (Washington D.C.: n.p., 1980), 6-12.
446 Crampton, *The Balkans*, 173.
447 Third World is a term that originated in the Cold War and it refers to countries that are in the process of economic development, while in the Cold War it referred mainly to those countries that made up the Non-Aligned Movement.
448 Kardelj, *The Historical Roots*, 1-6.

munists of Yugoslavia that were to, in accordance with the ideology of the Party, renounce their religion, but they did not do that because the only thing about them that mattered to the Yugoslav policy was that they were Muslim.[449] For those same reasons, Džemal Bijedić was elected Federal Prime Minister during that period, which in a way marked the beginning of the era of the rise of Bosnian Muslims and their stronger positioning both in Yugoslavia and in Bosnia and Herzegovina.

In the eyes of Yugoslav leaders, the 1960s were to start a positive period, one of bringing the Yugoslav peoples together. The League of Communists of Yugoslavia advocated the idea of Yugoslavness and the official ideology, according to Marx, believed that nationalism would die out the moment the working class came to power.[450] The fact that they considered those years to be the pinnacle of Yugoslavness can be confirmed by the announcement of the 7th Congress of the League of Communists of Yugoslavia held in April 1958, in which it was stated that the future of national relations lay in the development of social relations and the development of socialist Yugoslav consciousness.[451] Nonetheless, Yugoslavness did not exclude decentralization as an option, and, in various spheres, the influence of the federal authorities was being gradually decreased in favor of the republics' authorities. Thus, it is evident that the leadership in that period also fluctuated between democratization and centralization as well as the role of the Party in the society and the state. It seems that their decentralized goal essentially implied the transfer of administrative or other kinds of powers to local leaders or party organizations, but definitely not the actual withdrawal of the League of Communists of Yugoslavia from power, as the Party still had to hold all the strings.[452]

The very beginning of the next decade, within the borders of Yugoslavia, brought a rather optimistic position of the leadership regarding the issue of domestic policy. There was some improvement in relations with religious communities. However, somewhat earlier, in 1958, the Serbian Orthodox Church elected a new patriarch, German, who displayed a milder attitude towards the communist regime. In addition to that, Cardinal Stepinac died in 1960, which, with the election of a new pope, contributed to reducing tensions with the Roman Catholic Church, which they took well advantage of in the future.[453] At the same time, in the spirit of the policy of the non-aligned, Muslims from Bosnia and Herzegovina, who between 1948 and 1953 did not agree to declare themselves as one of the recognized Yugoslav peoples, were given the opportunity to declare themselves as "undeclared Muslims". In 1953, this category was changed to "undeclared Yugoslavs", and in 1961 they were allowed to declare themselves as "Muslims in the ethnic sense". Aware of their role in the foreign policy of the Yugoslav leader Tito, they were not satisfied with this either, so ten years later they were provided with the category "Muslim as a national orientation", and very soon after that, the

449 Malcolm, *Bosnia*, 265.
450 Crampton, *The Balkans*, 174.
451 Dennison Rusinow, *The Yugoslav Experiment* (London: n.p., 1977).
452 Sabrina P. Ramet, *Tri Jugoslavije: Izgradnja države i izazov legitimacije 1918-2005* (Zagreb: n.p., 2009), 272-275.
453 Crampton, *The Balkans*, 176.

category "Muslim" which was recognized as a nationality.[454] Their status will become clearer to the reader in the following paragraphs where the censuses in Bosnia and Herzegovina will be analysed and presented using charts.

Furthermore, the period from 1961 strengthened the need for an economic as well as a political and constitutional reform, which together led to a single reform movement by the League of Communists of Yugoslavia with clear signs that an ideological turning point would be reached. In economic terms, Bosnia and Herzegovina was then officially declared the least developed republic, because it had the lowest rate of economic growth and its national income was significantly lower than the Yugoslav average.[455] The beginning of the economic reform, which the entire state needed, brought new conflicts because some saw the answer in returning to the socialist course, that is, centralization and planning, while others saw salvation in approaching the free market and moving away from the doctrine of socialism. Essentially, the economic reform aimed to strengthen the roles of the republics, which was presented as further development of self-government. It is important to note that in the Yugoslav context, decentralization was equated with liberalism, ultimately with de-statism. Inter alia, a conflict arose over the Belgrade-Bar railway in which the liberal faction grew stronger, which is a clear example of the complexity and sensitivity of the Yugoslav state system during those years.[456]

The fact that the influence of the liberals had grown stronger in the political sphere could likewise be seen from the new federal Constitution, which was adopted on 7 April 1963. Under the new Constitution, the name of the state was changed to the Socialist Federal Republic of Yugoslavia[457] and it clearly supported the further separation of the Party from the state. Only Tito, partly as president and partly as an individual, could have functions on both sides.[458] After the federal constitution, republic-level constitutions were adopted as well, so that the Constitution of the Socialist Republic of Bosnia and Herzegovina was adopted on 10 April 1963, and was later amended by the constitutional amendments of 1967, 1969, and 1972. The Constitution was popularly called the "Charter of Self-Government" because its architects believed that social classes had disappeared in Yugoslavia, and that there were only social layers left that were divided on the basis of different types of work, such as manufacturing workers, education workers, healthcare workers, etc. Although this act indisputably led to democratic strides in the state, the League of Communists of Yugoslavia did not significantly separate itself from the state. In fact, the Party determined by name who were its representatives in all assemblies of the republics and the federation, as well as in the governments of all the republics, through its commission headed by Aleksandar Ranković.[459]

454 Shoup, *Communism*, 216.
455 Malcolm, *Bosnia*, 271.
456 Crampton, *The Balkans*, 177.
457 Hereinafter: Yugoslavia.
458 Constitution of the Socialist Federal Republic of Yugoslavia, 1963.
459 *Parlamentarna skupština*, 62-64.

What was happening affected all spheres of life, both in Yugoslavia and in Bosnia and Herzegovina. It was then that many issues began to arise that had been waiting to be resolved for decades, or which had only been discussed at meetings of the Party's narrowest leadership circles. Among the most important issues were the Muslim and Croat national question, as well as the attitude of the republic-level authorities towards the Yugoslav federation.[460] It was the 8th Congress of the League of Communists of Yugoslavia, held from 7 to 13 December 1964, that opened the national question, which was of great importance in the following decades, within the state. At that Congress, the economic causes of national inequality and the causal connection between bureaucracy and nationalism were discussed.[461] It is important to note that the Bosnian leadership was very active within its own republic in the process of opening the national question in Yugoslavia. Supporting the basic starting points adopted at the 8th Congress, the 4th Congress of the League of Communists of Bosnia and Herzegovina was held from 2 to 5 March 1965 in Sarajevo, which deepened the international relations within Bosnian-Herzegovinian society. Discussions on this topic took place at various conferences organized at that time, and one of the most important ones was held in Mostar. At that point, they abolished the districts in order to resolve the Croatian issue and weaken the power of the former political centers.[462] The opening of the national question was also addressed by the Central Committee of the League of Communists of Bosnia and Herzegovina at a session held on 22 September 1965, when it was decided that a comprehensive analysis of the political situation in Herzegovina was to be made.[463] An extensive document on this topic was written, but the conference was not held until 30 June 1966. This conference was most likely postponed due to the holding of the plenary session of the Central Committee of the League of Communists of Yugoslavia, when Aleksandar Ranković, who was a symbol of centralism and unitarism, had his downfall in Brijuni. This was presented as follows: the economic reform had not yielded the expected results, the economic situation in the whole country worsened, thus Ranković, as the person responsible for that situation, was removed from all functions and expelled from the League of Communists of Yugoslavia.[464] Essentially, Ranković advocated a stronger system because even then, as the head of the State Security Service, he noticed that separatism was on the rise in the republics, and he was against that. All these events that would follow, which will certainly be discussed, could have been foreseen in the first half of the 1970s, because the Yugoslav federation was moving towards decentralization, and even confederalization, at a leisurely pace. Ranković was not alone in his views because many Serb officials were also against decentralization, believing that only a centralized state could be strong and preserved. Looking at it from where we are now, it is clear that these officials fought for the survival of the Yugoslav state, and not for its destruction.

460 Husnija Kamberović, *Hod po trnju: Iz bosanskohercegovačke historije 20. stoljeća* (Sarajevo: n.p., 2011), 150.
461 Shoup, *Communism*, 224-225.
462 Kamberović, *Hod po trnju*, 150-151.
463 Ibid, 161.
464 Crampton, *The Balkans*, 182-183.

The leadership of the League of Communists of Bosnia and Herzegovina followed the conclusions adopted in Brijoni regarding the economic reforms, but they also continued to actively work on resolving the national issue which they had begun earlier. The fact that members of the Central Committee of the League of Communists of Yugoslavia, regional leaders, generals of the Yugoslav People's Army, as well as various republic-level political activists all participated in one of the consultations, testifies as to how seriously this issue was taken in Bosnia and Herzegovina. Numerous issues were discussed at the consultation, and one of the most important ones was the staffing matter, through which they tried to increase the number of Muslims and Croats in government institutions and education, because until then the majority of that staff had been Serbs. This ratio remained as it had been in the period after the war because it was mainly the Serbs who spearheaded the war for the people's liberation and thus they were the majority in the partisan movement, and that same pattern was later transferred to the Party staff. To avoid it appearing as if they discussed only that topic, it was recorded that there was also a discussion about the economic reforms, and was noted that the economic backwardness, especially of the Herzegovinian areas, was closely connected with the national question. As a matter of fact, it was stated that Croats from these areas could not prosper sufficiently due to their low representation among the provincial staff.[465] By analyzing this consultation it becomes evident that the national questions of Muslims and Croats were clearly brought forward in Bosnia and Herzegovina, and it is also important to note that the Serb staff did not present their problems, believing that they did not have any at the time, and were contributing to the questions mentioned earlier.

Regarding the Croatian question within Bosnia and Herzegovina, it is necessary to clarify that their position was special because they came out of World War II marked as a defeated state in which Serbs, Croats, and Roma had been massacred. As previously mentioned, the Quisling-like Independent State of Croatia extended across the entire territory of Bosnia and Herzegovina, thus it is logical that the Croats had the lowest participation rates in the anti-fascist struggle in this area. It can be said that only a small number of pre-war communists, concentrated at the highest levels of the Party and military hierarchy, participated in it, while the rest were mobilized into the ranks of the Croatian Home Guard regular army, tacitly supporting the Ustasha ideology. Moreover, a large number of leading figures of the Independent State of Croatia were from Herzegovina, such as Ante Pavelić and Minister of the Interior Andrija Artuković. For this very reason, in the new state, Herzegovinian Croats, characterized as fascists, were not at first favored by the communist authorities. Their compatriots from central Bosnia and Posavina[466], as well as those from larger industrial towns, were in a better position. It is important to note that they themselves did not accept Tito's policy, and therefore they were not represented among the Party and leadership staff until the opening of national questions. However, from that period when the search for the formula

465 Husnija Kamberović, *Hod po trnju*, 178.
466 a/n: valley of the Sava River.

of equality began, a shift happened. Suddenly, being a Croat became an advantage because the communists started looking for them in order to fill that third of the staff. This was also the period when Branko Mikulić, a Croat, who tried to distance himself from Croatian nationalism and who thus gained the trust of Tito, rose to the highest level of the Republic's government. He also pulled some of his compatriots into top politics. At that point, both former Home Guard members and descendants of the Ustashas got a chance for a breakthrough, even when it came to reaching some political functions.[467]

It has already been mentioned that in 1961, Muslims were given the opportunity to declare themselves as "Muslims in the ethnic sense", which in Bosnia and Herzegovina marked the beginning of the process of recognizing a definite national identity in the service of resolving the national question. Debates on this topic were soon launched within political structures, which then very quickly shifted to scientific circles. They thought it was up to science to prove the Muslim national identity, and then all that political staff would have to do was accept what science had already proven.[468] Apparently, the new policy of the Yugoslav leadership was the wind beneath the wings of its staff in Bosnia and Herzegovina that kept them going towards the final resolution of the Muslim issue, which undoubtedly meant identity affirmation. Various discussions on this topic were organized in Sarajevo at that time, and among them there indeed were some science-based ones, such as Purivatra's Study on the Yugoslav Muslim Organization, which failed to prove the uniqueness of the Muslim national identity but only the uniqueness of the Muslim political organization. On the other hand, there were also political discussions about language, the core of their identity between Muslim-ness, Bosnian-ness, Bosniak-ness and Yugoslav-ness, which were not based on scientific principles. [469] All these processes took place with the strong support of the Bosnian-Herzegovinian political leadership, and it had the support of the majority of the Yugoslav political elite.

The fact that the Muslims had been preparing themselves through various organizations for the processes that began taking place during this period can be seen in example of the Young Muslims organization, which was formed in 1941 in the territory of Bosnia and Herzegovina. Essentially, this was an organization influenced by the Islamic clergy, especially former students of the Al Azhar Theological Faculty in Cairo who brought the ideas of pan-Islam and the revival of Islam to the country.[470] Its program principles were based on the ideology of preaching and spreading the "pure Islam" modeled on the nationalist political-religious movement of the Muslim Brotherhood, which operated in Egypt, Syria, Iraq, and Jordan. The main goals of the Young Muslims were the fight against all non-Islamic phenomena, the full application of Islamic principles in the life of the individual and the community, as well as the political liberation and unification of all Islamic countries. The

467 Antić and Kecmanović, *Istorija Republike Srpske*, 230-233.
468 Muhamed Filipović, *Afera Agrokomerc i smrt Hamdije Pozderca* (Sarajevo: n.p., 2008), 169.
469 Kamberović, *Hod po trnju*, 181-182.
470 Armina Omerika, "Bosnian Young Muslims 1991," *ISIM Newsletter* 11/02 (2002), 11.

headquarters of the organization were in Sarajevo, and it also had some kind of "branch offices" in other towns of Bosnia and Herzegovina, which were all organized by religious schoolmasters – the hodjas. What kind of organization this was can be best seen in the fact that its members were enthusiastic about the occupation of the country in World War II because they expected it to go hand in hand with their concept of an autonomous and Islamic Bosnia and Herzegovina.[471] However, the Ustasha authorities of the then Independent State of Croatia rejected the ideas of the Young Muslims, believing that the Muslim youth could only be a part of the "Ustasha youth", telling them that "all Muslims are Croats and are flowers of the Croatian people".[472] Their leadership stopped working after that until 1943, but still, within the framework of "Al-Hidayah", some members managed to infiltrate other Muslim associations and in that way interest some of the youth in their ideas.[473] At the end of the war, the Young Muslims could not come to terms with the principles of the socialist revolution, thus at their illegal meetings in 1947 and 1948, they discussed how to prevent the influence of communism on the Muslim youth. In addition, they also worked on broadening their membership base and increasing their infiltration into the *Preporod*[474] society, which united all existing Muslim cultural and educational societies. This period is also characterized by the actualization of the idea of pan-Islamism, and at the "plenum" of the organization, which was held in the apartment of one of the members in February 1949, decisions were made to intensify illegal activities. That way, they became a modern terrorist organization, as evidenced by its main goals, as well as the preparation of its membership for armed struggle and terrorist actions through brochures that they published (*Naš pokret*[475], *Kako ćemo se boriti*[476], *Pravila organizacije*[477]) and the illegal *Mudžahid*[478] newspaper. Furthermore, they advocated and tried to carry out specific terrorist actions against the Yugoslav People's Army and security services from which they took weapons and then carried out liquidations. These activities had been stopped by 1952 through application of repressive and like measures by the communist regime. During the 1970s, most of its membership continued to act in accordance with these ideas. However, some of the former members, under the slogan which signified that they had seen their mistake and that they now supported the communist system, took up responsible seats in economy and healthcare. That way, abusing their positions, they looked for like-minded people whom they would eventually link up with the organization.[479]

471 Socialist Republic of Bosnia and Herzegovina, Republic Secretariat of the Interior, Sarajevo, *Indikatori bezbjednosti* (1981):1-3.

472 People's Republic of Bosnia and Herzegovina, State Secretariat of the Interior, State Security Administration, Department II, Sarajevo, *Materijali o terorističkoj organizaciji "Mladi Muslimani"* (n.d.):5.

473 Omerika, *Bosnian Young Muslims 1991*. 11.

474 a/n: Revival.

475 a/n: Our movement.

476 a/n: How we will fight.

477 a/n: Rules of organization.

478 a/n: Mujahid.

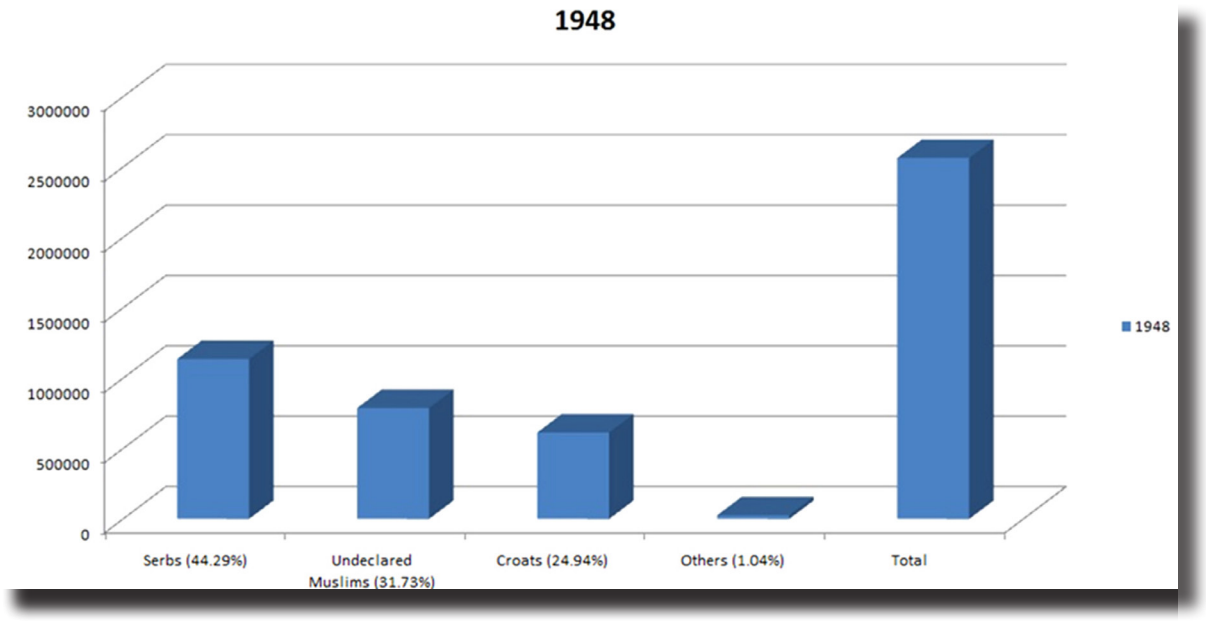
479 Socialist Republic of Bosnia and Herzegovina, Republic Secretariat of the Interior, Sarajevo, *Indikatori bezbjednosti* (1981):3-9.

One of the more active members of the Young Muslims organization was Alija Izetbegović, who was arrested in early March 1946 together with some other like-minded people. During the investigation, some of them gave information about their actions, but Izetbegović did not admit anything and held up well during the interrogation. In this process, nothing was revealed about the "plenum", or about the printing of the *Mudžahid*, because everyone was silent about it, since they were aware that it would present the true image of their actions. After the investigation, they were all locked in a room in the Sarajevo military court, where they agreed on how to defend themselves. When the trial took place, only Izetbegović remained consistent with his Young Muslim views, and he even explained the ideological views of the organization, which is why, compared to all of the rest, he spent the most time in prison - 3 years.[480] It was during that sentence that he began writing the Islamic Declaration, which will be discussed later.

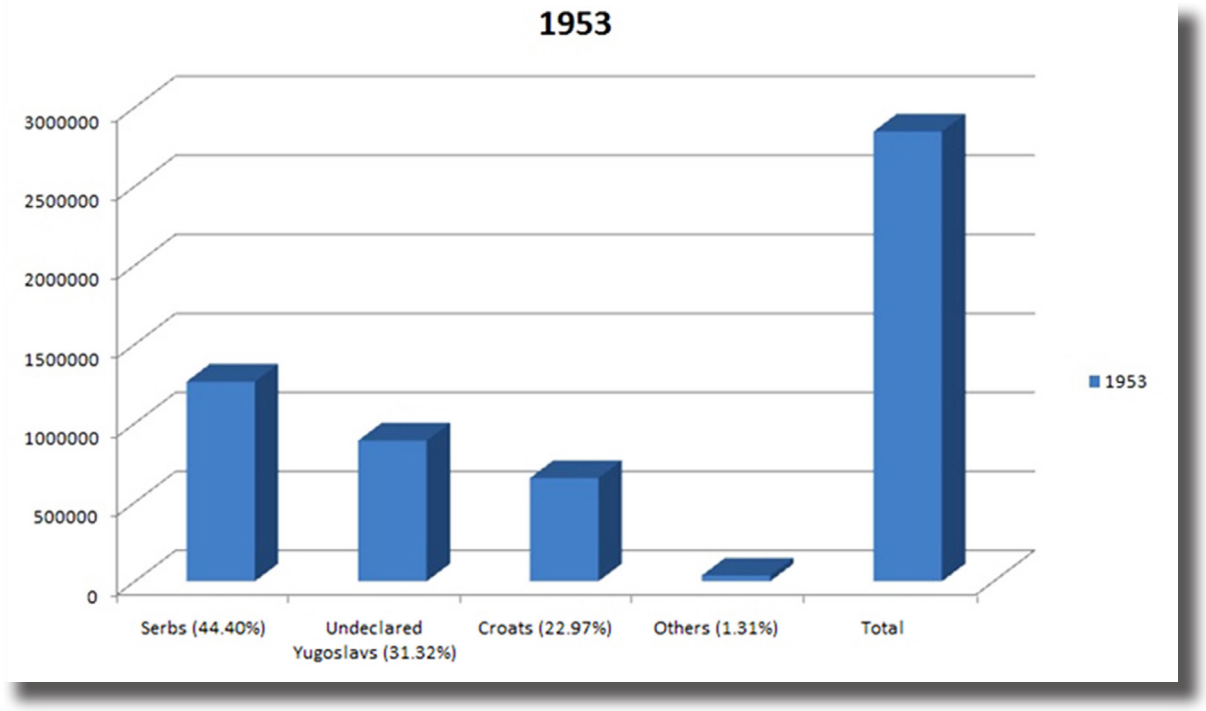
On the third side, there were Serbs who, as it was emphasized earlier, at first had the highest representation among the Republic's Party staff. The staff changes that occurred with the bringing of national questions forward reduced the number of Serbs in the leadership, but in Bosnia and Herzegovina no major revolt of Serb members over that issue was recorded. Furthermore, they were the only ones in Bosnia and Herzegovina who did not advocate any changes because they were most loyal to the Yugoslav state and the only problem they could have was related to its collapse. In doing so, they neglected the demographic and to some extent the political problems that were more than obvious and that could be traced back and seen in the censuses. In fact, as can be seen in the chart below, Serbs in the post-war census of 1948 made up the majority of the population in Bosnia and Herzegovina at 44.29%, despite having the largest number of casualties in the war. They were followed by "undeclared Muslims" at 31.73%, and then Croats at 24.94%.

It is necessary to emphasise here that a certain number of Muslim believers voluntarily declared themselves as Serbs and thus joined the above percentage, just as a smaller number of them declared themselves as Croats. The fact that there was no political pressure in this regard is confirmed by the statistical national category of "undeclared Muslim" that many of them certainly declared as, which is confirmed by the percentage itself. Regarding the next two censuses in 1953 and 1961, as presented in the chart, it is evident that Serbs were still the majority in Bosnia and Herzegovina, although in 1961 the percentage of Serbs dropped to a minimum of 42.89%. The only difference that can be noticed in the mentioned censuses is that the category by which the Muslim population was designated was changed first to "undeclared Yugoslav", and then in 1961, in accordance with the events within the republic itself, to "Muslim" without a more narrow definition. The fact that the very population was unclear as to how they should declare themselves can be seen in the percentage of "Muslims" from 1961, which dropped to 25.69%.

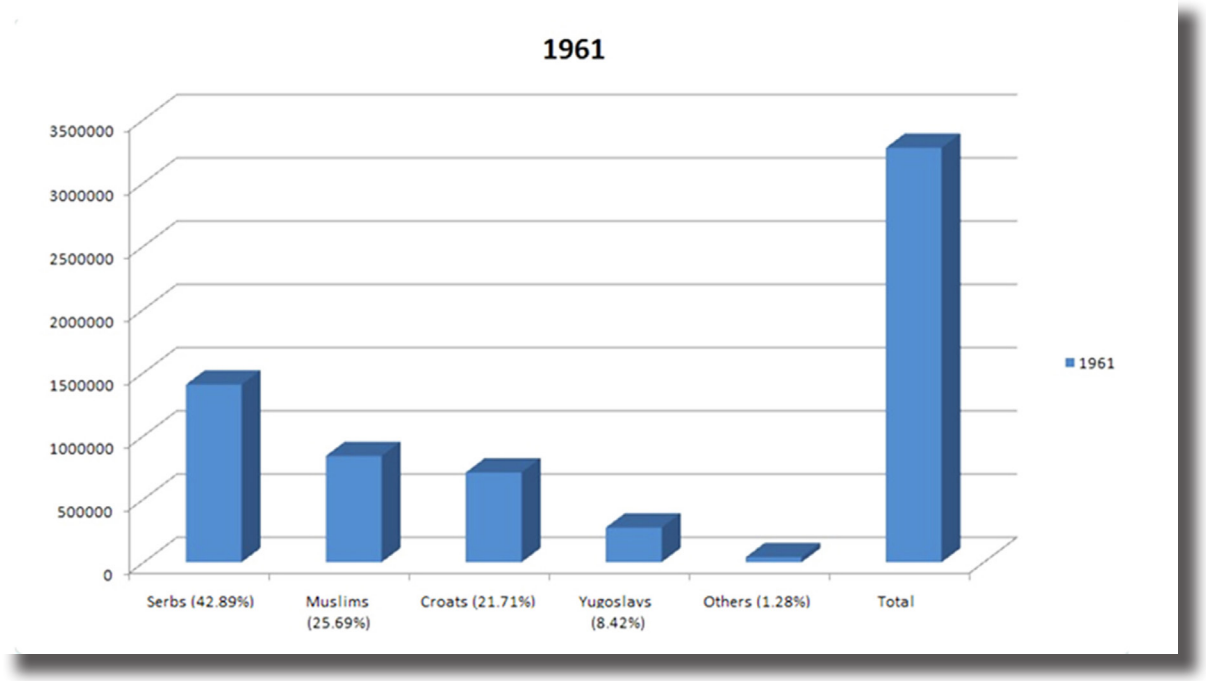
480 People's Republic of Bosnia and Herzegovina, State Secretariat of the Interior, State Security Administration, Department II, Sarajevo, *Materijali o terorističkoj organizaciji "Mladi Muslimani"*, 27.



Source: Census of Population, Households, and Dwellings of 1948.



Source: Census of Population, Households, and Dwellings of 1953



Source: Census of Population, Households, and Dwellings of 1961.

It is important to mention that in that period, after the fall of Ranković, various anomalies became visible in the entire territory of the Yugoslav state, which led to the first open manifestations of dissatisfaction. Social stratification and dissatisfaction with the way of life of the so-called "red bourgeoisie" caused outbreaks of unrest throughout the country. First eruptions happened at universities, and the most notable ones were the student demonstrations in Belgrade in 1968, which then spread to Ljubljana, Zagreb, and other student centers. The students rebelled because of horrible living conditions, the inequalities brought about by the new reform, demanding greater freedoms and equality. At the Faculty of Philosophy in Belgrade, the *Red Karl Marx University* was proclaimed, from where students sought and expected the support of the President of Yugoslavia against the alienated bureaucracy. After that, the University of Belgrade was marked as a hotbed of enemy forces, although, as stated, demonstrations took place at other universities as well. This event also contributed to the enrolment of a larger number of students at universities across the country in order to create an intelligentsia loyal to the regime, even though that further aggravated the employment problems.[481]

However, the Albanian uprising in Kosovo and Metohija, which broke out in the same year, could not be calmed down so easily. Two decades after the end of World War II, Albanians in this province exerted constant pressure on the remaining Serb population. Their political elite, incorporated in the League of Communists of Yugoslavia, using the constitutional amendments, tried in every way to create an autonomous province, which was to be

481 Crampton, *The Balkans*, 183-184.

elevated to the rank of a republic where Serbs would have reduced rights. The student uprising from 1968 was seen as an ideal opportunity for a final showdown with the Serbs, thus the demonstrations began in November on the national holiday of the neighboring state of Albania. Those days, the Albanian dictator Enver Hodži was hailed in Kosovo and Metohija and shouted at loud was the slogan, "Death to Serb oppressors!" Strong military and police forces managed to prevent the escalation of violence, but the political demands of the Albanians were incorporated into the 1974 Constitution. This time, truly great concessions had to be made, such as separating the University of Pristina from the University of Belgrade and agreeing to teaching in Albanian, both at the faculties and in high schools. The constitutional amendments made Kosovo and Vojvodina equals as constitutive federal elements and Albanians were allowed to display their national symbols, such as the Albanian red-and-black flag with a double-headed eagle.[482] The events in Kosovo once again confirmed that during those years the national issues were one of the main and burning problems of Yugoslavia.

The political and cultural climate was changing in Croatia as well, which is indicated, inter alia, by the fact that around the Catholic Christmas in 1967, the best-selling record was the one with Christmas songs which had been published by the Roman Catholic Church, which, during the few years before, was unthinkable in the communist era. Furthermore, the work of Matica hrvatska[483] was revived, and that same year, together with some other organizations and prominent figures, it signed a Declaration on the name and position of the Croatian literary language. This caused the muffled national frustration to focus on the issue of language, because the aforementioned Declaration caused a huge influx of national feelings, thus the Communist Party of Croatia had to react. The Croatian national movement was placated due to the possible external danger for the Yugoslav state when the Soviets invaded Czechoslovakia.[484] When the fear disappeared, the movement continued its activities, so by 1970, events and factors appeared that would later be known as the "mass movement" or, in short, "mass-pok[485]". Its main initiators were Matica hrvatska, the students who organized the first independent student movement in Yugoslavia, and, finally, the reform elements in the Communist Party of Croatia which called themselves liberal.[486] The main leader of the Party's reform current was Savka Dabčević-Kučar, who at the 10th plenum of the Communist Party of Croatia attacked Miloš Žanko, who led those circles that believed that the rise of nationalism led to the destabilization of Yugoslavia and the destruction of socialism. It is interesting that Mrs. Dabčević-Kučar received permission from the Yugoslav leader Tito by telephone to attack Žanko. The defeat of Žanko and the decision of the League of Communists of Yugoslavia of April 1970, which recognized the sovereignty of the republics and

482 Ibid, 184-186.
483 a/n: Matrix Croatica.
484 Crampton, *The Balkans*, 187-188.
485 a/n: short for *masovni pokret*.
486 Antonija Petrušić and Mitja Žagar, *Country Specific Report on Actors and Processes of Ethno-Mobilization, Violent Conflicts and Consequences: Croatia* [scientific expertise] (n.p. [no place]: European Academy of Bozen/Bolzano, 2017), 5.

provinces in all matters which were non-related to federal institutions, were the wind at the back of Croatian nationalism. Matica hrvatska expanded its activities much more intensively than before, and national exaggeration turned into hostile outbursts against others, especially against Serbs. Much like during the Ustasha regime of the Independent State of Croatia, inscriptions in Cyrillic were once again erased or destroyed.[487] It was not until 1971 that the federal Party leaders began to worry about it, and not until July that same year that Tito went to Croatia where he was assured by the Croatian leadership that they had everything under control. However, Matica hrvatska did not stop its activities, and it even decided to establish branches in other republics, specifically in Bosnia and Herzegovina, because they believed that Croats were deprived of their rights in that area. After that, the organization announced its new program and demanded to have a say in political, economic, and cultural issues. It was then demanded that Croatia be declared a sovereign state of the Croatian people so that it could become part of the United Nations. Essentially, all demands led to Croatia's independence.[488] Due to everything mentioned above, the Central Committee decided to meet on 5 November 1971, and the Croatian leadership continued to assure them that there was no need for intervention and that it was just a socialist movement that was in no way endangering the survival of the federation. After that, on 1 December of the same year, Tito invited them to a meeting in Karađorđevo when great pressure was put on them to resign. Also, Matica hrvatska was shut down and a large-scale purge began, which contributed to calming of the situation in Croatia.

The purge of the Croatian leadership was found a counterweight in Serbia, in the so-called liberals embodied in the representatives of the top leadership of the Communist Party of Serbia, Marko Nikezić and Latinka Perović. Unlike the Croats who advocated a nation-state, the Serbian communists sought to modernize Serbia politically and economically. Their motto was cooperation with other republics instead of confrontation. They were also charged with an opportunistic attitude towards opposition activities in culture and at the University, as well as a technocratic attitude and neglect of Marxist education. For the sake of political symmetry, Serbian liberals were declared anarcholiberals and, at Tito's urging, were removed from positions in 1972. The purge was not conducted only in the Party apparatus, but the editors of the reputable Belgrade newspapers *NIN*[489] and *Politika*[490] were also sacked and replaced by more suitable staff.[491]

All events mentioned above had to be reflected in a certain way in the territory of Bosnia and Herzegovina. It has been mentioned earlier that the party leadership opened the issue of the national questions and in the spirit of events at the federal level, in the second half of the 1970s, the process of the affirmation of the Muslim national identity began to be actively

487 Crampton, *The Balkans*, 189.
488 Jill Irvine, "The Croatian Spring and the Dssolution of Yugoslavia," in *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia`s Disintegration*, ed. Jasna Dragović Soso (West Lafayette: Purdue University Press, 2007), 149-173.
489 a/n: short for *Nedeljne informativne novine* which translates to Weekly Informational Newspaper.
490 a/n: Politics.
491 Crampton, *The Balkans*, 192.

worked on. One of the most important figures from that period was Avdo Humo, who had been a member of the Central Committee of the League of Communists of Yugoslavia since 1966 and from that position actively worked on this process. Equally important was Džemal Bjedić, who was the President of the Assembly of Bosnia and Herzegovina from 1967 to 1971.[492] This is demonstrated by the meeting of the Commission for International Relations of the Central Committee of the League of Communists of Bosnia and Herzegovina, held on 15 March 1966, at which Bijedić during the discussion resolutely advocated the idea of a Muslim nation, rejecting the idea of Yugoslav-ness. There he expressed the opinion that, "Yugoslav-ness", as a rule, was favored by those who benefit from unitarism or those who reason about that issue unscientifically. Since he himself was aware that there was a certain number of Muslims who advocated the idea that he criticized, it is not surprising that he considered their attitude to be an act of "escapism to Yugoslav-ness" in order to save their individuality.[493]

Discussions on national questions intensified particularly during the session of the Commission for International Relations in 1968, when a special information document was produced, entitled *On some international relations issues*[494]. This information document mainly concerned culture, believing that creativity in this area should not be considered part of the Yugoslav whole, but instead it should be perceived as distinctive, like some of the other structures in the Republic. This act drew a clear line of division within Bosnia and Herzegovina because cultural creators were required to explicitly decide whether they were members of Serbian or Croatian cultural life in order to publish their works in Serbia and Croatia. Among the Muslim intelligentsia, some persons, even members of the Party, thought that some of Ivo Andrić's works, due to the way he wrote about the Turks, did not contribute to the harmonious resolution of international relations in the Republic. In accordance with the above-mentioned information document, Andrić opted for Serbian literature and the Serbian language, and it seems that for exactly this reason he was the main target of attacks by the Muslim intellectual and political circles. A similar case is that of *The Mountain Wreath*[495] by Petar II Petrović Njegoš, since it was considered to be a discrimination and devaluation of the Muslim folk ethos.[496] This way, step by step, the Party bodies of Bosnia and Herzegovina were moving towards the shaping of the Muslim nationality together with a religious identity that would primarily be part of a cultural-political doctrine. That is why the bodies of the League of Communists of Bosnia and Herzegovina in 1968 made the decision to establish a Muslim nation.[497] There were individuals in political or intellectual life who reacted to such decisions, pointing out that the process was leading to the collapse of the national unity, but through the quick intervention of the Party and Party bodies, they were pushed aside.

492 Kamberović, *Hod po trnju*, 194-195.
493 Husnija Kamberović, "Džemal Bijedić i afirmacija muslimanske nacije tokom 1960-ih i 1970-ih godina u Bosni i Hercegovini," *Godišnjak BZK Preporod VII* (Sarajevo: n.p., 2017), 356-361.
494 a/n: *O nekim pitanjima međunarodnih odnosa*.
495 a/n: *Gorski vijenac*.
496 Kamberović, *Hod po trnju*, 201.
497 Radmila Radić, *Država i verske zajednice 1945-1970: Drugi deo 1954-1970* (Beograd: n.p., 2002), 617-619.

It was a period during which the "Bosnian-Herzegovinian" tradition was affirmed in all possible ways and that was implemented through the Republic's leadership. Large budget funds were invested in projects such as *History of Bosnia and Herzegovina*[498], *Literature of Bosnia and Herzegovina*[499], *Encyclopaedia of Bosnia and Herzegovina*[500] and the like, which were to be implemented by various teams from relevant scientific fields. However, these teams disintegrated very quickly because they could not agree on ideological views, thus they never even finished the work they had started. It is interesting that in those years, national recognitions for scientific or artistic work were given to individuals who researched or celebrated anything in connection with Bosnia. Furthermore, in the cultural field, there was indeed a lot of controversy related to whether the works of a writer born in the territory of Bosnia and Herzegovina should belong to that cultural heritage or to Serbian or Croatian heritages, in accordance with how those same writers declared themselves. The fiercest debates were had about Muslim writers such as Meša Selimović, who declared himself a Serb, and Mak Dizdar, who declared himself a Croat, which was contrary to the logic of the Republic's leadership.[501]

After these discussions, during which it was clearly stated that the Bosnian-Herzegovinian leadership, led by Cvijetin Mijatović, believed that the communist policy of nationalizing Muslims in the Serbian and Croatian spirit was wrong because they were a "separate people", the process of the affirmation of the Muslim question continued. The issue was also raised to the federal level, thus, the delegation of the League of Communists of Bosnia and Herzegovina talked about it with the Yugoslav leader on 23 January 1969 in Brijuni. This talk was anyway arranged as one in a series of talks that Tito had with the republics' leaderships in order to prepare for the 9th Congress of the League of Communists of Yugoslavia. During this talk, Cvjetin Mijatović informed Tito about earlier discussions and the fact that a very small number of Muslims declared themselves as "Yugoslavs" in the census. Tito calmly accepted that, stating that such a situation worked well for them because of the foreign policy with the Arab countries, while ignoring the amount of problems this issue could bring in the future. During 1970 and 1971, discussions on this issue intensified both in political circles and among ordinary people. In order to prepare the census, at the meetings of the Bosnian leadership there was increasing talk about the ideological and political problems, that is, about how it had to be to ensure that the citizens had full freedom to declare themselves nationally. This primarily referred to Muslims who needed to have it made possible for them to declare themselves as a nation. There were also discussions about those who declared themselves as Yugoslavs, believing that they could only be treated as nationally undeclared or without a nationality because they had made it clear that Yugoslav-ness was not a national category. The issue of language is also closely related to the national question, thus the

498 a/n: Istorija Bosne i Hercegovine.
499 a/n: Književnost Bosne i Hercegovine.
500 a/n: Enciklopedija Bosne i Hercegovine.
501 Antić and Kecmanović, *Istorija Republike Srpske*, 239-241.

leadership paid attention to that issue as well. Emphasizing the fact that neither the Serbian nor the Croatian version of the Serbo-Croatian language was spoken in Bosnia and Herzegovina, they considered that this had to be stated in the census itself because there was no such thing as the "Yugoslav language". They shaped all of the above into a material entitled *Some conceptual and political issues of the census*[502] which they sent to the Presidency of the League of Communists of Yugoslavia. In response to this material, the attention of the Central Committee of the League of Communists of Bosnia and Herzegovina was drawn to the fact that in a certain way they were working against the Yugoslav socialist patriotism and unity. They further stated that they considered that the leadership itself unnecessarily forced the issue of the national individuality of Muslims and thus awakened the Muslim nationalism.[503] However, apart from these and similar remarks, the Central Committee of the League of Communists of Yugoslavia did act on these matters and in the 1971 census Muslims were allowed to declare themselves as Muslims without a more narrow definition.

During the 1970s, there was also visible activity of the Young Muslim organization, which at the beginning tried to renew their work, and for that purpose, several illegal meetings were organized. At that time, the Young Muslims pointed out that the then socio-political situation in the country and the international position of Yugoslavia in the Non-Aligned Movement gave them a more favorable opportunity to act. It was clear to them that the process of the affirmation of the Muslim national question and the Yugoslav support for some of the Arab countries in the Arab-Israeli conflict provided them with the certainty that no proceedings would be conducted against them, unlike what had been stated earlier. Consequently, the most extreme members who lived in different towns of Bosnia and Herzegovina began to organize themselves better, that is, to link up more closely. Sarajevo was still the most active, thus the main centers of their gatherings were the premises of the Ilmija Association, the editorial office of the *Preporod* newspaper, the Emperor's Mosque, as well as other religious buildings where mostly a number of younger members gathered. The direct encouragement to start actively operating again was the period of the escalation of Croatian nationalism, thus, operating from the position of the mas-pok and providing them with support, they compiled a "document" which was sent at the end of 1971 to Matica hrvatska and the Executive Council of the Federal Republic of Croatia. In this "document", they emphasized that "the Muslims of Bosnia and Herzegovina could never forget the assistance that the Croatian people provided them with in World War I and II in protection against the Serbs", and that because of that they were remaining faithful to "Croatian Catholicism".[504] All these events inspired a number of former members of the organization, together with the extreme part of the clergy of the Islamic Community, to begin activities related to the transformation of the *Preporod* newspaper into a matrix via which the national emancipation of the Muslims

502 a/n: *Neka idejno-politička pitanja popisa stanovništva*.
503 Kamberović, *Hod po trnju*, 201-206.
504 Socialist Republic of Bosnia and Herzegovina, Republic Secretariat of the Interior, Sarajevo, *Indikatori bezbjednosti* (1981):11.

would take place. They stated that the paper would deal only with religious as well as cultural and educational issues, but they could not hide their efforts to promote through the *Preporod* those ideas and positions that were the main characteristics of none other than the Young Muslims. Their activity in this period was even more visible through their close connection with the reactionary part of the clergy, Muslim nationalists, extreme Muslim emigration, and reactionary circles abroad. This connection was made due to their identical positions in the context of which they attacked the common Yugoslav state, forcing the thesis that the Muslims were the only autochthonous people in Bosnia and Herzegovina, aiming at the creation of an autonomous Islamic state.[505]

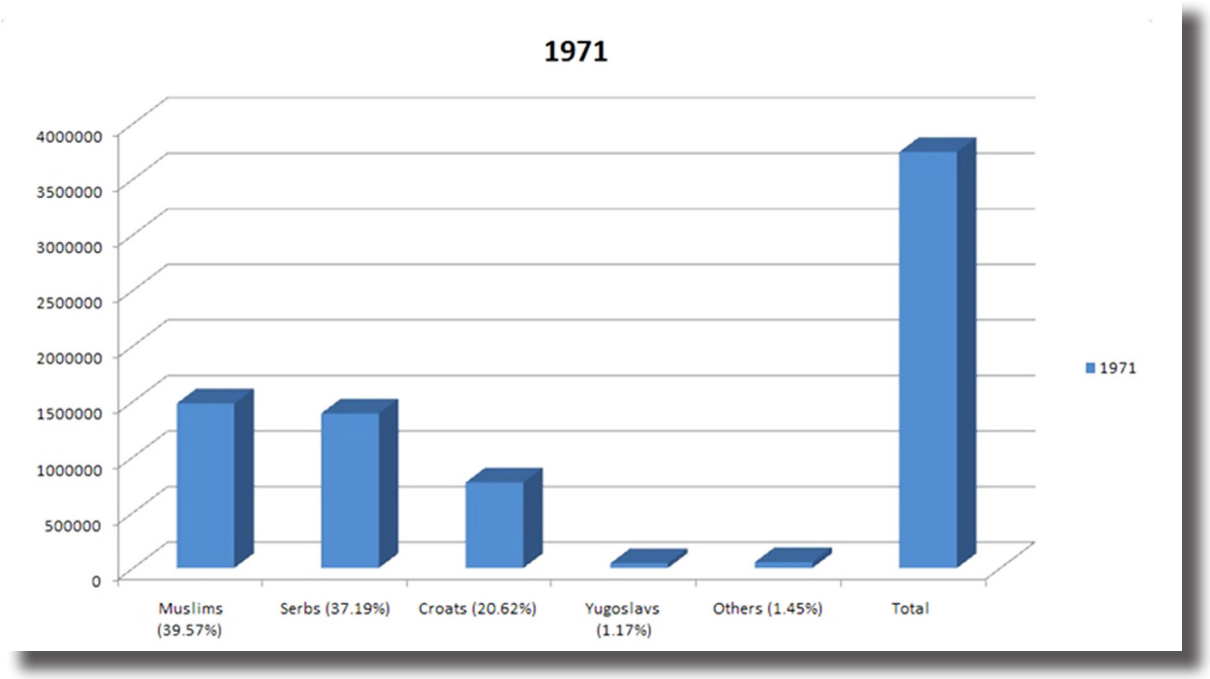
Alija Izetbegović also acted in accordance with the ideology of the Young Muslims organization and was one of their most prominent members. It has already been mentioned that in the middle of the 1950s, while he was in prison, he began writing a radical program document entitled *The Islamic Declaration*. According to Izetbegović's recollections, the draft text was created in 1969, and was finally prepared and sent for distribution in 1970.[506] In fact, *The Islamic Declaration* was illegally reproduced and then passed from hand to hand throughout the Muslim communities of Bosnia and Herzegovina and among their emigrants as a kind of an ideological handbook. In the *Declaration* itself, after the introduction in which he explained in detail the concept of Islam and Muslims, Izetbegović called on all Muslims to take action to create an "Islamic community ranging from Morocco to Indonesia"[507]. As the main opponents of the actualization of this pan-Islamic idea, the author mentioned the Western states and conservative theologians, who restricted Islam solely to a religion.[508] In order to better convince the reader of his positions, referring to the Koran, Izetbegović explained that Islam represented the unity of political and spiritual authority, concluding that as such it should be the basis for the heart of the Islamic state in the center of Europe. In the following pages of the document, one comes across claims that there could not and must not be coexistence between the Islamic faith and non-Islamic social and political institutions, making it clear that Muslims should not respect the boundaries of the states they live in.[509] Furthermore, one can notice that there are more and more conclusions in which the author was stating that all Muslims in the world were brothers because, in his words, "Islam is not a nationality, but it is a supranationality"[510]. In this radical program text, Izetbegović unreservedly supported pan-Islamism, hoping for its world rule, condemning all those who rejected it. According to him, Islam was a "supreme act of democracy"[511] and Muslims around the world did not need

505 Socialist Republic of Bosnia and Herzegovina. Republic Secretariat of the Interior. Sarajevo, *Indikatori bezbjednosti* (1981):9-17.
506 Alija Izetbegović, *Sjećanja: Autobiografski zapis* (Sarajevo: n.p., 2001), 35.
507 Alija Izetbegović, *The Islamic Declaration; A Program for the Islamization of Muslims and the Muslim Peoples* (Sarajevo: n.p., 1990), 4.
508 Izetbegović, *The Islamic Declaration*, 8.
509 Ibid, 14-20
510 Ibid, 36.
511 Ibid, 42.

a pro-Western version of it. Evidence of to what extent his views can be linked to today's radical Islamists operating around the world can be seen quote in the Declaration itself: "A Muslim can die only in the name of Allah and for the glory of Islam..."[512] Through this brief analysis of *The Islamic Declaration* it can be seen that in that document its author clearly stated his thoughts on the unification of Muslims under the wings of pan-Islamism, and that its entire text was written resembling a letter in order to convince the reader that his ideas were correct and consistent with the postulates of Islam and the Koran. When presenting his ideas, the author did not realize that they were quite unrealistic, and this is best shown in the example of him mentioning an Islamic community ranging from Morocco to Indonesia. As a matter of fact, a logical question arises as to why anyone would want to lose their national identity due to the fact that in that period in Bosnia and Herzegovina there was a tendency for Muslims to become a nation. It is a fact that in this document Izetbegović never even mentioned Bosnia and Herzegovina or Yugoslavia, but bearing in mind the spirit of the time in which the *Declaration* was written, it is not difficult to conclude that one of its basic goals was the process of the affirmation of Muslims as a nation on the platform of pan-Islamism. This is supported by the fact that the author himself was one of the fiercest supporters of the ideology of the Young Muslim organization, which was explained earlier. One can also notice that throughout the text, a concept that was being pushed is the one that Islam teaches people not to differentiate themselves from one another according to ethnicity, race, and other affiliations, but that the only relevant determinant of identity is, in fact, religion. If we keep that in mind, it is paradoxical that a few decades later, Alija Izetbegović was the Muslim leader in Bosnia and Herzegovina when there was a national affirmation or an awakening of Bosniaks.

Finally, in 1971, there was a new census which clearly showed that changes had taken place. As a matter of fact, after the Muslim nation was recognized, the Serbs lost the status of the majority in Bosnia and Herzegovina. In the first chart, it is evident that Muslims made up the majority at 39.57%, and then there were Serbs at 37.19%, and Croats at 20.62%. Also, in the second chart the line of population movement is evident as well, which shows that the number of Serbs had stagnated since the 1961 census, while the number of Muslims had increased rapidly.

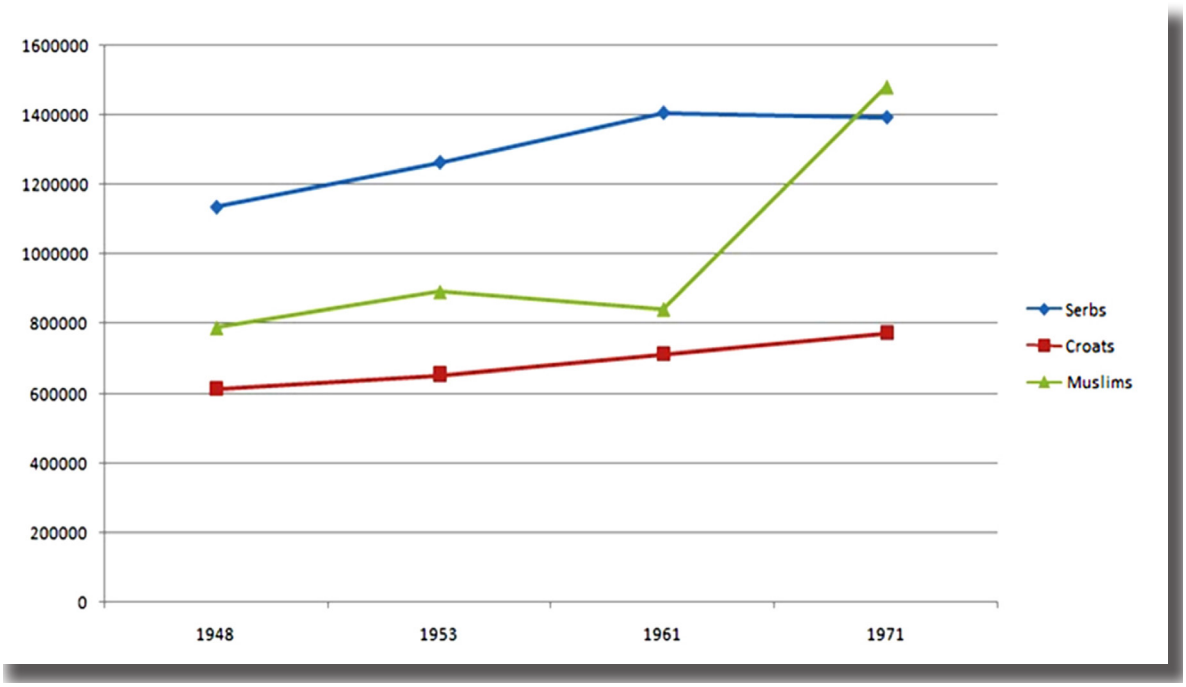
512 Ibid, 6.



Source: Census of Population, Households, and Dwellings of 1971.

This sequence of events was influenced by several factors. First of all, there was the above-mentioned mass colonization of Vojvodina which mainly included the Serbs, then there was the process of the affirmation of Muslims as a nation, which led to a rise in the percentage of Muslims in the population because the people had been pressured for years to declare themselves so. It should certainly be mentioned that during this process, a large number of Serb and Croatian intellectuals emigrated from Bosnia and Herzegovina because the leadership put pressure on them to make their works part of the cultural and intellectual heritage of Bosnia and Herzegovina, which is one they did not perceive as their own. Furthermore, Bosnia and Herzegovina had the highest rate of migrations within Yugoslavia itself, which meant tens of thousands of people emigrated from the Republic during the fifties and sixties. Most of these migrants were Serbs, who went to live in Serbia.[513]

513 Malcolm, *Bosnia*, 271-272.



They looked for the solution to the problem that the communist Yugoslavia was experiencing, in increasing the level of independence of the republics and autonomous provinces. The increase in independence of federal units was presented as the struggle against unitarism and centralism. The new Constitution was adopted on 21 February 1974 and was called the "Charter of the Self-Governing Society". Republic-level and provincial-level constitutions were soon adopted. The 1974 Constitution enabled the further strengthening of the independence of the republics and provinces; unity was weakening, and the division of the economy and undermining Yugoslavia as a common state began. The provinces were given extensive powers in the legislative and executive branches, and Serbia, as the only republic that consisted of provinces, acquired some elements of confederalism. The provinces were given the right to decide on the affairs of the federation on an equal footing with the republics in accordance with the principle of consensus, which meant that decisions could not be made without their vote. While drafting the Constitution, its architects were guided by the motto "weak Serbia, strong Yugoslavia". The state was still held together solely by Tito's charisma and the authority and strength of the Yugoslav People's Army.[514] A few days later, in accordance with the federal Constitution, a session of the Assembly Councils was held, at which the Constitution of the Socialist Republic of Bosnia and Herzegovina was adopted. This republic-level constitution brought several novelties, the first of which concerned the introduction of a new collective presidential body. A few years earlier, the Yugoslav leader Tito proposed that he be replaced as the President by a collective presidency composed of

514 Crampton, *The Balkans*, 193-194.

representatives of the republics and provinces, which was constitutionally accepted in 1974. Another novelty concerned Muslims, who as of that point were constitutionally recognized as an equal nation in Bosnia and Herzegovina.[515]

On 4 May 1980, when Josip Broz Tito, the President of the Socialist Federal Republic of Yugoslavia, died, an epoch ended.[516] The secret of his political longevity was primarily a successful foreign policy that relied on the permanence of the bloc division and the ability to maintain balance in a nationally and ethnically divided state. Opposition to the regime was reduced to marginal nationalist groups, a small number of migrants, and intellectuals with little influence. Tito's cult, in the full sense of the word, began to develop after the break with Stalin and the departure of the Communist Party into a new form of socialism. In Yugoslav society, everything was subordinated to the cult of personality of the Yugoslav president, meaning that everything that the communists resented about religions, in the sense that they were the opium of the people, they, too, were enforcing, and to a much greater extent, in the this cult and their attitude towards the party.

In 1983, Alija Izetbegović, or rather his work "The Islamic Declaration", came into the public spotlight again. This document was initially only known to narrow circles of like-minded people, and it attracted the attention of the general public in 1983, when its author's case was on trial against Islamic fundamentalists in Sarajevo. The trial is better known as the "Sarajevo Trial" and the main defendants were Alija Izetbegović and three other former members of the Young Muslims. The main evidence against Izetbegović was the text of his radical program document, which the public prosecutor said was a manifesto aimed at creating an ethnically pure Islamic state in Bosnia and Herzegovina. Izetbegović defended himself by emphasizing that there was no mention of Bosnia and Herzegovina anywhere in the text, and, essentially, this was correct, but he did not deny that it was written in accordance with the deepest convictions of Islamists. Despite all that, he was sentenced to 14 years in prison, from which he was released in 1988. All this together shows that even the prosecution, in such changed social and political relations which prevailed in the country at the time, was confused and doubtful about this manifesto, which indicates that the trial itself cannot be accepted as particularly serious one. It can be said that its most important role was that, for a course of several years, it slowed down the operations of Muslim religious activists in Bosnia and Herzegovina and strengthened the positions of Muslim communist leaders, such as Hamdija Pozderac, Vice President of the Socialist Federal Republic of Yugoslavia Presidency. Essentially, their goal was the same; both sides were fighting for the Muslim national identity, only the communists were stating that they advocated the secular identity.[517]

One of the most significant events that marked the following years was the "Agro-komerc affair", the banking scandal that erupted in Bosnia and Herzegovina in 1987. A few decades earlier, Cazinska Krajina, which was already mentioned in this text, was one of the

515 *Parlamentarna skupština*, 64.
516 Misha Glenny, *The Balkans: Nationalism, War and the Great Powers, 1804-1999* (New York: n.p., 2000), 622.
517 Malcolm, *Bosnia*, 278-279.

poorest parts of Yugoslavia. Once could fairly say that the economic situation in that area created such conditions that people were satisfied if they had as much as basic foodstuffs, but Fikret Avdić, known as Babo, managed to do much more. At the beginning of the 1990s, the whole of Yugoslavia recounted the economic miracle from Velika Kladuša because at that time "Agrokomerc" was at the peak of its work because it had a large number of factories, it created tons of food, which certainly promoted wide international exports. That is how "Agrokomerc", led by Avdić, became the largest food giant in the entire country, which would not have been possible without the support of the political leadership from Sarajevo. Brothers Hamdija and Hakija Pozderac, who were at the very top of the party, were from those areas, thus it is not surprising that they were connected with the business. It was precisely the connection with the two that placed Avdić in prison in 1987, when the affair erupted. That year, "Agrokomerc" was accused of issuing bills of exchange without financial coverage in the value of several hundred million dollars. The reactions of the people from those areas were strong because it was inconceivable for them that Fikret Avdić, whom they considered the creator of all that was positive, could end up in prison for embezzlement. During the trial, Avdić himself persistently claimed and attempted to prove that everything regarding his business was clean, which was reported by the media from day to day. There was growing suspicion that this was a political trial and there was talk that the main goal of it was to overthrow Hamdija Pozderac.[518] At the conclusion of the trial, Avdić was acquitted of charges of counter-revolutionary activities, but was sentenced to prison for abuse of office. Regardless of his high political positions, Pozderac was also removed very quickly, which in a way started the process of long-term destabilization of the monolith that was the Republic's government. This period was also characterized by a large number of resignations, among which it was difficult to distinguish the accused from those who simply realized that the "Agrokomerc affair" was just an excuse for a more extensive democratic process and that their time had passed and new staff was to be brought to their positions. [519]

The fact that Bosnia and Herzegovina was facing a crisis deeper than what was previously thought was seen in the new "Neum affair" that erupted in the middle of the following year, 1988. The municipality of Neum was formed on the Bosnian-Herzegovinian coast of the Adriatic Sea in order to withdraw large funds for infrastructure construction from the Federal Fund for Underdeveloped Areas. Furthermore, state leaders received loans to build vacation homes in the area, which, in fact, triggered the affair. Such a situation was an excellent excuse for the media to injure the reputation of the remaining members of the political leadership. After the second wave of dismissals that came with this affair, one could say that almost no one from Branko Mikulić's old line-up was left, including him. However, the communist nomenklatura would still not allow itself to be defeated, thus it appointed its less prominent members, such as Nikola Filipović, Abdulah Mutapčić, Zlatan Karavidić and others, to vacant positions, through which it discreetly ruled political life until the 1990 multi-party

518 Ibid, 279-280.
519 Antić and Kecmanović, *Istorija Republike Srpske*, 248.

elections.[520] That was actually the beginning of the end of one political conception that had gradually exhausted all its potentials.

All these events indicated that the economic crisis in Bosnia and Herzegovina, and in the whole of Yugoslavia, was more and more striking. There were many factories in the country, which were operating at a loss, thus they could not repay their debts with interest. One such example is the aluminium factory in Zvornik, which was built to refine the local bauxite, but when it started operating, they realized that the quality of the bauxite was not good enough, thus in 1987 they started importing it from Africa. The entire communist self-governing system was on the verge of collapse due to, on the one hand, the decline in real wages and, on the other, the increase in absenteeism because of strikes. In order to improve the situation, strict austerity measures were introduced, but there was no great benefit, if one bears in mind that in 1987 the annual inflation rate rose to 120%, and as early as in 1988 to 250%.[521] It is clear that the people were becoming poorer and therefore more dissatisfied, which was a great basis for a more extensive spreading of national aspirations along with the speeches of the coming silver-tongued demagogues.

This period was characterized by an increasing number of strikes, both at the republic and federal levels, through which in early 1989 all members of the Politburo were pressured to resign. Slobodan Milošević took advantage of this situation by first becoming the leader of the Communist Party of Serbia, and in May 1989 by becoming the President of the Presidency of the Federal Republic of Serbia.[522] Thus, a politician appeared on the political scene who understood that the national issues in the country were escalating, and he, therefore, decided that the main goal of his actions would be the strengthening of Serbia, as the bearer of the national interests of the Serbs. On the other hand, former partisan and Yugoslav general Franjo Tudjman, who supported Croatia's long-standing aspirations for independence, also began appearing more and more on the political stage of Croatia.[523] In those years, the Federal Assembly became a "ring" for worrying political conflicts between assembly members from various parts of the Yugoslav state, most of whom, nonetheless, still saw the Party and the Yugoslav People's Army as the basis for the preservation of the state. However, the idolatrous conflicts were stronger than the unity, so that the beginning of the end was sensed. In January 1990, the last, Fourteenth Congress of the League of Communists of Yugoslavia took place, and the representatives of Slovenia and Croatia left this session. The next step in the act of separatism was the Slovenian decision to withdraw its recruits from the Yugoslav People's Army, for which they had the tacit support of the Croatian leadership. During those years, the leaderships of Bosnia and Herzegovina, as well as Serbia, Montenegro, and Macedonia, were interested in the preservation of the Socialist Federal Republic of Yugoslavia and regarding that matter they had the support of the Serb and Muslim populations.[524]

520 Ibid, 250.
521 Malcolm, *Bosnia*, 280-281.
522 Hal Marcovitz, *The Balkans: People in Conflict* (Philadelphia: n.p., 2002), 42-50.
523 Malcolm, *Bosnia*, 286.
524 Antić and Kecmanović, *Istorija Republike Srpske*, 252.

Acronym List

Acronym	Definition
HSS	Croatian Peasant Party (Hrvatska seljačka stranka)
MP	Member of Parliament
NOU	People's liberation Task Force (Narodno-oslobodilačka udarna)
SS	Protection squadron (Schutzstaffel)
USSR	The Union of Soviet Socialist Republics
USA / US	The United States of America
AVNOJ	Anti-Fascist Council of the People's Liberation of Yugoslavia (Antifašističko vijeće narodnog oslobođenja Jugoslavije)
ZAVNOBiH	State Anti-Fascist Council of the People's Liberation of Bosnia and Herzegovina (Zemaljsko antifašističko vijeće narodnog oslobođenja Bosne i Hercegovine)
BiH	Bosnia and Herzegovina
NATO	North Atlantic Treaty Organization
NIN	Weekly Informational Newspaper *(Nedeljne informativne novine*)
NOP	People's Liberation Movement (Narodno-oslobodilački pokret)
DV	Volunteer Army (Dobrovoljačka vojska)
NOR	People's Liberation War (Narodno-oslobodilački rat)
NOVJ	People's Liberation Army of Yugoslavia (Narodno-oslobodilačka vojska Jugoslavije)
JA	Yugoslav Army (Jugoslovenska armija)

NOB	People's Liberation Struggle (Narodno-oslobodilačka borba)
CK KPJ	Central Committe of the Communist Party of Yugoslavia (Centralni komitet Komunističke partije Jugoslavije)
NKOJ	National Committe for the Liberation of Yugoslavia (Nacionalni komitet oslobođenja Jugoslavije)
BBC	British Broadcasting Corporation
UDB	State Security Administration (Uprava državne bezbjednosti)
SKJ	League of Communists of Yugoslavia (Savez komunista Jugoslavije)
ISIM	International Institute for the Study of Islam in the Modern World
BZK	Bosniak Cultural Community (Bošnjačka zajednica kulture)
NDH	the Independent State of Croatia (Nezavisna država Hrvatska)

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CHAPTER IV

Gideon Greif
The Chronology of Events in the Middle Podrinje up until July 6, 1995

1945-1971

- It is impossible to determine the exact number of Muslims through the first few censuses that had been conducted in the SFR Yugoslavia (1948, 1953, 1961) due to the fact that the population was registered according to their national determinants, and thus the Muslims declared themselves both as Serbs and Yugoslavs or as undeclared. Muslims avoided declaring themselves as Croats precisely because of the Croats' role in World War II, even though undoubtedly there were such cases as well. In the census of 1971 Muslims were listed as a nation for the first time. According to this census, 147,403 residents lived in the four municipalities we today consider the Middle Podrinje (it being understood that the municipality of Milići was formed in 1992). 33,357 residents lived in Srebrenica, 20,968 (62.9%) of whom were Muslims, 11,918 (35.7%) Serbs, and the rest were Croats and national minorities; 26,513 residents lived in Bratunac, 13,428 (50.6%) of whom were Muslims, 13,820 (48.4%) Serbs, and the rest were Croats and national minorities; 60,910 residents lived in Zvornik, 32,504 (53.4%) of whom were Muslims, 27,769 (45.6%) Serbs, and the rest were Croats and national minorities; 26,623 residents lived in Vlasenica, 13,431 (50.4%) of whom were Serbs, 12,881 (48.4%) Muslims, and the rest were Croats and national minorities.[1]

1 *National Structure of Population in the SFR Yugoslavia: Population, Households and Dwellings Census in 1971* (Beograd: Savezni zavod za statistiku, 1971), 27.

It is important to note that according to the census from 1971, for the first time since modern-day censuses have been organized, Serbs were not the majority in BiH (Bosnia and Herzegovina), but instead Muslims were, making up 39.6% of the population.[2]

What permanently changed the national structure of Bosnia and Herzegovina besides the key events during the genocide in the NDH (Independent State of Croatia) is the fact that in the period between 1945 and 1948, under the guidance of central communist authorities, the process of colonization of Vojvodina was conducted, i.e. the moving of rural population from the areas of Bosanska Krajina and Herzegovina to the fertile arable lands in Banat, which the Volksdeutsche and Hungarian families had abandoned the easy way or the hard way. At that time, around 100,000 Serbs left Bosnia and Herzegovina.

The change in the demographic continued throughout the following period. During the fifties and the sixties, approximately 16 thousand residents were leaving Bosnia and Herzegovina every year. At the time of constitutional reforms in Yugoslavia, by the mid-seventies, the republics were given, as some considered, almost the characteristics of states, and this had an especially negative effect on the Serbs, who lived both in Serbia as well as in Bosnia and Herzegovina, Croatia, and Montenegro. They saw the division of Yugoslavia by inner republic and parastatal boundaries as taking over their territorial and ethnical continuity, as well as a possibility for the sufferings to happen again, with a clear dread that through that process, sooner or later, they would be separated by internationally recognized state borders and would find themselves in the position of an endangered national minority. That also caused a wave of exodus which gained momentum especially among the national elite, which, on one side, was the most educated and was most familiar with the political trends, and on the other, was professionally the most qualified and most mobile. The majority of those inner Yugoslav migrants from BiH were Serbs who were departing to live in Serbia. In the midst of such events as well in the process of attempting to form the "Bosnian-Herzegovinian" identity, Sarajevo became some kind of an environment aggressive towards the exploration of different identity beliefs, primarily towards the existence of Serb and Croat identities in these areas.[3]

1970

- With the creation of the Muslim nation during the 60s and the 70s, Muslims' nationalism, which saw Bosnia and Herzegovina exclusively as a Muslim state and the

2 Draga Mastilović, *Zatiranje Srba u Bosni i Hercegovini u 20. vijeku* (Beograd: n.p. [no publisher], 2007), 193.
3 Nenad Kecmanović and Čedomir Antić, *Istorija Republike Srpske* (Beograd: n.p., 2015), 178-187.

Serbs as a disturbing factor, also strengthened. The Muslims were loudly and openly saying that "the Serbs should go to Serbia, and that Bosnia is a country of Muslims." In such conditions, the animosity towards Serbs in Srebrenica and Bratunac was being displayed more and more openly. In 1970, while coming back from work, Rade Lazić, who was waiting for a ride to Kravica, was killed by Muslims. That same year, Hasan Dedić, while intoxicated, came to Kravica, an all-Serb village, and with a knife attacked a tavern owner in that village, Dušan Cvjetinović, who in self-defense killed Hasan with a gun. After that, a large number of Muslims gathered at the entrance of Kravica, cursing the Serb's "Chetnik mother" and demanding revenge. Through timely police intervention, the situation seemingly calmed down.[4]

- The manuscript of the book *The Islamic Declaration* by Alija Izetbegović appeared, and it presented a program for the Islamization of Muslims and the Muslim peoples, as stated in its subheading. In this book, which is in fact a political pamphlet, it says that there is no "peace and coexistence between the Islamic faith and non-Islamic social and political institutions"[5]. According to the author, an Islamic society is only possible in those states in which the Muslims are an absolute majority, i.e. in which they account for over 50% of the population. The first printed edition of the work had been published in 1990, shortly before the breakout of confrontation in BiH, as well as shortly before a population census was conducted in which the Muslims were in all ways striving to exceed 50.01% which, in their opinion, would provide them with both absolute and exclusive right to Bosnia and Herzegovina.

1980s

- A large number of Serbs from the area of Srebrenica and Bratunac, under silent pressure, were buying building sites in neighboring Serbia and were departing for there with their entire families.[6]

1983

- For an "attack on socialism" and the desire "to build an Islamic state in Bosnia", Alija Izetbegović was sentenced to 14 years in prison. Later the sentence was reduced, thus Izetbegović stayed in prison for about five years.[7]

4 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, n.d. [no date], Archives of the RCIRZ [*Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons*], Banja Luka, Republika Srpska, Bosnia and Herzegovina.

5 Alija Izetbegović, *Islamska deklaracija* (Sarajevo: n.p., 1990), 25.

6 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, Archives of the RCIRZ.

7 Srđan Cvetković, *Između srpa i čekića 2* (Beograd: n.p., 2011), 534-536.

1985

- National tensions in the area of the Middle Podrinje, especially Srebrenica and Bratunac, were very high during the 80s. This can be illustrated by an incident that occurred in the autumn of 1985. While illegally fishing using explosives (dynamite) in the Drina River, one young man from the village of Dobraci was wounded. To cover up their illegal activities, the young men who participated in the fishing accused Serbs from Serbia of shooting at the fishermen on the Bosnian side. The *Oslobođenje* (Liberation) newspaper wrote about that incident as well. During the tensions which were at their all-time high, some Muslims were making remarks to Serbs such as "it's not 1941 now". Everything calmed down a few days later when the young man confessed that he himself was to blame for his wounds which were a result of mishandling dynamite.[8]

1989

- The Belgrade newspaper *Nin* wrote on several occasions about the endangerment of the Serb people in the area of Srebrenica and Bratunac and the forced evictions of Serbs from that area. A letter sent by 14 Serb soldiers from World War II to the Presidency of Bosnia and Herzegovina CK SK (Central Committee of the League of Communists) said that nothing had been built in their villages since World War II, and that the Serbs were forced to send their children to schools in Ljubovija or Bajina Bašta (in Serbia).[9]
- After those articles that dealt with the endangerment of Serbs in the area of Srebrenica and Bratunac, in November that same year, a public discussion about the issue was held in Srebrenica. Many Serbs and Muslims were present at the public discussion, and the national tensions reached boiling point.[10]

1990

26 May

- The first national and confessional party was established in BiH, Party of Democratic Action. Alija Izetbegović was elected its first President, while the party was formally defined

8 Besim Ibišević, *Srebrenica 1987-1992* (Amsterdam: n.p., 1999), 8.
9 Ibišević, *Srebrenica*, 27.
10 Ibid, 31.

as a party of Yugoslav citizens who belonged to the Muslim historical and cultural circle.[11]

June

- Due to extremely high tensions between Muslims and Serbs, the Yugoslav authorities issued a decision on removing the territorial defense weapons from the areas of the Srebrenica and Bratunac municipalities. Around 1,300 rifles and other materiel and technical equipment from Srebrenica municipality and a certain quantity of it from Bratunac municipality were removed to the barracks of the Yugoslav People's Army and the Territorial Defense. Most of these weapons ended up in the barracks in Tuzla because the municipal staffs of the Bratunac and Srebrenica TO (Territorial Defense) belonged to the regional center in Tuzla. At Slobodan Milošević's trial some of the witnesses expressed suspicions that the weapons had ended up in Tuzla and that some perhaps had ended up in some of the barracks in the territory of Serbia. Muslims in Srebrenica saw that act of the Yugoslavia authorities as their disarmament.[12]

12 July

- The Inaugural Meeting of the Serb Democratic Party of Bosnia and Herzegovina was held in Sarajevo. At the Inaugural Meeting, president of the Initiative Board for the establishment of the party, Radovan Karadžić, stated "that there would be no revanchism or anticommunism, and that the party does not deny anyone their right to a political life, electoral race, and taking up positions of authority." Among other things, it was said at the gathering that the primary aim of the party was to have unconditional civic, national, cultural, religious, and economic equality of Serbs in BiH. Alija Izetbegović attended the Inaugural Meeting as well and gave a short speech.[13]

31 July

- The constitutional amendments made by Bosnia and Herzegovina enabled the holding of the first multiparty elections since World War II.[14]

2 August

- The first Muslim paramilitary organization was established in Podrinje, in Ustikolina near Foča. Members of that extremist group swore on the "Qur'an that they would, in the name of Allah, fight to defend the faith".[15]

11 Kosta Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990-1992: Tematska zbirka dokumenata* (Beograd: n.p., 2011), 11.

12 Ibišević, *Srebrenica*, 40.

13 *Hronologija 1990-1995* (Banja Luka: n.p., 2002), 13.

14 Ivica Lučić, "Bosna i Hercegovina od prvih izbora do međunarodnog priznanja," *Časopis za suvremenu povijest* 40, No.1 (2008): 109.

15 Šefko Hodžić, *Bosanski ratnici* (Sarajevo: n.p., 1998), 248. Boris Radaković, "Formiranje muslimanskih paravojnih formacija," in *Republika Srpska u Odbrambeno-otadžbinskom ratu*, ed. Predrag Lozo (Banja Luka: n.p., 2018), 43.

18 August

- After a number of arrangements and initiatives, the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) was established in a meeting held on 18 August 1990 in Sarajevo. In fact, it had been created at the beginning of 1990 as a branch of the party that already existed in Croatia and bore the same name.

19 August

- That same day, inaugural meetings of the Party of Democratic Action (SDA) and the Serb Democratic Party (SDS) were held in Srebrenica. That day, in Glogova (Bratunac municipality) and Potočari (Srebrenica municipality), buses carrying Serbs that were heading to the SDS inaugural meeting were attacked with stones. The consequences of that attack were a damaged bus, broken bus windows, as well as injuries, mainly to the head, suffered by the passengers.[16]
- After the completed inaugural meetings, which were kinds of national rallies, and confrontations in Glogova and Potočari, in some villages in Bratunac and Srebrenica barricades and armed village guards appeared, regardless of whether the villages were predominantly Serb or Muslim.[17]

September

- At the initiative of Miroslav Deronjić, chief of the SDS in Bratunac, a meeting was held with the members of the SDA from Srebrenica, with the aim of removing the barricades and Serbs and Muslims and reconciling, primarily the residents of the village of Kravica, and the residents of the village of Potočari. After an agreement was reached, international relations in the areas of those two municipalities were eased.[18]

18 November

- The first multiparty elections in Bosnia and Herzegovina were held. Parties with national prefixes in their names, SDA, SDS, HDZ, soundly won the elections by winning 84% of the seats in the assembly. Party of Democratic Action got 86 seats, the Serb Democratic Party 72, the Croatian Democratic Union 44, while the remaining seven parliamentary parties altogether won 24 seats. Following the elections, the aforementioned parties formed the government, but due to disagreements about the future of Bosnia and Herzegovina, soon after the elections, they became political opponents.[19]
- Out of the 70 councilor seats in the Srebrenica assembly, the SDA had 45, and the SDS had 15. The remaining ten councilor seats were divided between the parties with minor influence. Councilors from Srebrenica who were admitted to the BiH Assembly were Ibran Mustafić, representing the SDA, and Goran Zekić, representing the

16 Ibran Mustafić, *Planirani haos 1990-1996* (Sarajevo: n.p., 2008), 46.
17 Ibišević, *Srebrenica*, 49.
18 Ibid, 53.
19 Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990-1992*, 13-15.

SDS. Obeying the pattern at the republic level, the SDA and SDS formed a coalition in the Srebrenica assembly.[20]

1991

31 March

- At the beginning of 1991, the SDA established the Patriotic League, the most organized and largest Muslim paramilitary formation. One of the Patriotic League military branches were the Green Berets, established in Sarajevo on 31 March. Members of the SDA from Srebrenica, Municipal Assembly President Besim Ibišević, MP in the BiH Assembly Ibran Mustafić, and Chief of Public Security Station in Srebrenica Hamed Salihović were also included in the work and operation of the Patriotic League.[21]

Spring

- During the spring of 1991, the last ever population census in the SFR Yugoslavia was conducted. In the period when tensions between nations were at an all-time high, each of the constitutive peoples was trying to increase the number of its people's membership. Due to everything that was previously mentioned, the census of 1991 never reached the National Assembly of the SFR Yugoslavia, which soon ceased to exist, thus at least two versions of that census exist today. According to the Croatian version of this census, which was published in 1994 and was adopted by the Federation of Bosnia and Herzegovina, 4,377,033 residents were registered in Bosnia and Herzegovina, of whom 1,902,956 (43.5%) were Muslims, 1,366,104 (31.2 %) Serbs, 760,852 (17.4%) Croats, 242,648 (5.5%) Yugoslavs, and 104,439 others.[22] According to the Serbian version of this census, 4,364,649 residents were registered in Bosnia and Herzegovina, of whom 1,905,274 (43.6%) were Muslims, 1,369,883 (31.38 %) Serbs, 755,883 (17.3%) Croats, 239,857 (5.5%) Yugoslavs, and 93,752 others.[23]

  When it comes to the Middle Podrinje, the biggest discrepancies in the census data are seen in Srebrenica. While the discrepancies in Zvornik, Bratunac, and Vlasenica (together with Milići) are minor and do not interfere with the percentages and the population structure in these municipalities, the biggest difference in Srebrenica is found in the number of registered Serbs. According to the Serbian version of the census, 37,211 residents lived in Srebrenica municipality at the time, of whom 27,118 (72.88%) were Muslims, 9,381 (25.21%) Serbs, and 712 persons declared

20 Ibišević, *Srebrenica*, 81.
21 Mustafić, *Planirani haos*, 114.
22 Data retrieved January 12, 2020 from the official website of Statistika: http://www.statistika.ba/
23 *Population Census of 1991* (Beograd: Savezni zavod za statistiku, 1998). [Electronic source].

themselves as Croats, Yugoslavs, or as others. According to the Croatian version of the census, 36,666 residents lived in Srebrenica municipality at the time, of whom 27,575 (75.2%) were Muslims, 8,315 (22.7%) Serbs, and 779 persons declared themselves as Croats, Yugoslavs, or as others. It is interesting that the first results of the census, essentially the preliminary ones, published by Besim Ibišević in a monograph about Srebrenica written by him, who as the then municipal mayor received the data from the field, are identical to those published in the Serbian version.[24]

According to the Serbian version, the ethnic structure of the Middle Podrinje was the following: out of a total of 185,714 residents, 115,558 (62.22%) were Muslims, 66,055 (35.56%) Serbs, and the rest were Croats, Yugoslavs, and other minorities.

According to the Croatian version, there were 185,522 residents in the Middle Podrinje: 115,936 (62.49%) Muslims, 64,832 (34.49%) Serbs, while the rest were Croats, Yugoslavs, and other minorities.

May

- At the initiative of the President of the Srebrenica Municipal Assembly, Besim Ibišević, and pursuant to a directive of the SDA received from its center in Sarajevo, a public campaign of Muslims boycotting conscription into the Yugoslav People's Army was started in this municipality.[25]

Summer

- After extensive diplomatic preparations, as well as forming and arming paramilitary forces, on 25 June 1991 Slovenia and Croatia declared independence which is what triggered the start of the Yugoslav War or the War of Yugoslav Succession. After Slovenia declared independence, Yugoslav People's Army forces headed for the border crossing points to prevent the replacing of state signs. That was followed by attacks of the Slovenian territorial forces against the JNA (Yugoslav People's Army) units. The brief war in Slovenia was ended within about ten days by the JNA leadership decision to withdraw from the territory of Slovenia. Simultaneously with those events, relations in Croatia were also deteriorating. After a series of individual attacks on Serbs who did not want to accept that their constitutive status was denied to them by the new Constitution of the Federal Republic of Croatia which was issued on 22 December 1990, during September 1991 international conflicts started between Croatian paramilitary forces on one side and the local Serbs and the JNA on the other. The combats occurred mainly when the Croatian paramilitary forces would try to enforce the system of the self-proclaimed Croatian state in places with a predominant Serb majority, as well as when attacks were carried out on the barracks of the JNA, which was at the time still a legal military force in Croatia. The battles that started the war

24 Ibišević, *Srebrenica*, 13.
25 Ibid, 109.

in Croatia took place during September 1991 in Vukovar, Bjelovar, and in some parts of Kninska Krajina. The atmosphere of war was relatively easily transferred from Croatia to the territory of BiH.

- The BiH State Security Service obtained the information that in the Muslim village of Glogova there was a group of about 100 armed men, in full uniform with berets and black uniforms, and that that group was ready for an attack on Serb villages at any moment. The group was a part of the SDA's bigger plan concerning the training and preparing of Muslims for the upcoming war.[26]
- One of the main topics in the summer of 1991 in the area of Srebrenica was the building of a Serb Orthodox church in Skelani. The Serbs claimed that the Muslims had erected 15 mosques in the municipality area, and they had not been allowed to erect a single church. Despite the fact that the distinguished SDA representatives were against its building, unanimity was reached at the municipal assembly meeting and the Serbs were allowed to erect the church.[27]
- As a response to the alleged shooting from certain villages in the territory of Serbia, directed at the villages on the Bosnian side, distinguished SDA representatives led by the President of the Municipal Assembly, Besim Ibišević, and the MP in the BiH Assembly, Ibran Mustafić, pursuant to the directive by the SDA central in Sarajevo, commenced the open campaign of arming the Muslims in the territory of the municipality.[28]
- According to the testimonies of the two above-named SDA representatives, the means that were used for the arming of Srebrenica Muslims were, among others, the means of state-owned enterprises headed by Muslim directors.[29]
- After the public and open campaign of arming the Muslims, some citizens of Serb nationality, with the help of MP Goran Zekić, started obtaining weapons for the surrounding Serb villages.[30]
- At that time, a group of 949 young Croat and Muslim men from the territory of the Federal Republic of BiH were sent to an alleged police training camp in Croatia, in which war operations had been taking place for quite some time. SDA members selected 26 Muslims from Srebrenica municipality, who upon finishing the training were to be the backbone of the police reserves. The Serbs saw that act as training and preparing for the upcoming war.[31]

26 Službena zabilješka Centra službi bezbjednosti Tuzla, August 1, 1991, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
27 Ibišević, *Srebrenica*, 112.
28 Ibid, 115.
29 Mustafić, *Planirani haos*, 83.
30 Dokument Centra službi bezbjednosti Tuzla, September 4, 1991, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
31 Ibišević, *Srebrenica*, 121.

- On one night in July, there was shooting near the village of Zgunj. As a response to that night-time shooting, the Muslims blocked the bridge in Skelani, while the Serbs blocked the entrance to the village of Kalimanići. Only after reciprocal negotiations, it was agreed that both barricades were to be removed.[32]

17 July

- Only a couple of days after the barricades in Skelani and Kalimanići had been removed, new ones were set up. Muslims in the vicinity of Skelani publicly requested that weapons be distributed to them, while under the auspices of SDA, the weapons of the reserve police were being transported from the police station in Skelani to Srebrenica. All of that led to an agitated state among the Serbs who erected new barricades and organized protests. On 17 July in Srebrenica, the Council for National Defense gathered with the task of easing tensions in the territory of the municipality. It was agreed then for a meeting of Muslim and Serb representatives to be organized.[33]

Last week of July

- At the meeting, held with the aim of reconciling the two leading national communities in the area of Srebrenica, the complete opposite happened. Different stances of Muslim and Serb representatives further exacerbated the relations between the nations.[34]

August

- Mid-August, two JNA officers arrived to Srebrenica to take over the military files and to inquire as to why the recruits from Srebrenica had not been responding to the JNA summons. Immediately upon entering the municipal building, pursuant to the order of the President of the Assembly, the two officers were intercepted by two Muslims, police officers armed with Kalashnikovs, and were expelled at gunpoint from Srebrenica municipality.[35]

30 August

- JNA officers tried to take over the military files in Bratunac, after which they were surrounded by a crowd of Muslims who threatened to kill them, while Mevludin Sinanović, an extremist from the village of Glogova, was holding two bombs in his hands and was threatening that he would activate them. With the help of the police and Serbs who provided assistance for the JNA officers, they managed to withdraw from the Bratunac municipality territory. That same day, the above-named Sinanović shot at one police officer from the Bratunac Public Security Station.[36]

32 Ibid, 123.
33 Ibid, 124.
34 Ibid, 126.
35 Ibid, 129.
36 Službena zabilješka Centra službi bezbjednosti Tuzla, September 4, 1991, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

31 August

- A group of about 30 Muslims from the village of Voljavica came to the Fontana Hotel in the center of Bratunac and requested that all Serbs leave the hotel premises. When one Serb objected to it, he was beaten up and forcibly thrown out of the hotel. After that, the same group headed towards the Municipal Assembly where they then shot from automatic rifles, bellowing and shouting out threats. Following that event, armed guards and barricades widely appeared in Serb villages.[37]

3 September

- Late in the evening, four young Muslim men led by Mevludin Sinanović from Glogova headed in a car towards Kravica, a Serb village in Bratunac. During the few previous nights, they would also pass through Kravica, provoking with a Muslim flag, playing loud music, sometimes shooting into the air with a gun. At the entrance to the village there was one police patrol of Serb nationality officers who, in accordance with the Bratunac SJB (Public Security Station) politics, were keeping the peace in that part of the municipality, and at whose "STOP" sign the young Muslim young men did not stop, but instead just accelerated their car and continued driving further into the village. When they encountered an armed Serb village guard in the village, they were fired at from rifles, and as a result two of them were killed. The entire Podrinje was put on alert after that event. During the whole night there was shooting in Kravica and the surrounding villages. Even though there were no direct clasher or new deaths, locals from Muslim villages were shooting at Kravica, and vice versa. The Muslims wanted revenge, and the Serbs fearing it started crossing the Drina River and departing for Serbia en masse.[38]

5 September

- In order to ease the tensions that had reached boiling point, Bratunac was visited by Ejup Ganić and Nikola Koljević, the two Muslim and the Serb members of the BiH Presidency, who appealed for things to calm down and for the perpetrators to be punished.[39]

15 October

- With the opposition from the Serb MPs and without their presence, the BiH Assembly adopted *the SDA Memorandum on "sovereignty" of BiH and the Platform of the BiH Presidency*, which violated the constituency of the Serb people. In fact, the President of the Assembly, Momčilo Krajišnik, ended the session, explaining that Parliament had earlier concluded that that the Assembly could not vote on major issues concerning the three constitutive peoples of this republic. However, one hour after the Serb

37 Ibid.
38 Ibišević, *Srebrenica*, 133. Mustafić, *Planirani haos*, 84.
39 Ibišević, *Srebrenica*, 135.

MPs had left the session, SDA MPs, a total of 86 of whom were in both councils, together with 42 MPs of the BiH HDZ proceeded with the session without prior consultation with the Serb MPs. The Vice-Presidents of the BiH Assembly, Mariofil Ljubić (HDZ), chaired the session in which the above-mentioned documents were adopted, despite the awareness that the decision to do so would lead BiH into a civil war.[40]

24 October

- As a response to the adoption of the SDA Memorandum on the "sovereignty" of BiH, the Serb MPs established the Assembly of the Serb People in Bosnia and Herzegovina, which on that same day called a referendum holding a vote about BiH remaining in Yugoslavia.[41]

9 and 10 November

- In the referendum called by the Assembly of the Serb People in Bosnia and Herzegovina, 1,162,032 citizens of Serb nationality voted to remain in Yugoslavia. Besides Serbs, another 48,895 citizens of other nationalities voted to remain in Yugoslavia, while 396 citizens voted against it.[42]

17 December

- The EU Council of Ministers adopted the Declaration on Yugoslavia and called on all Yugoslav republics that wished to be recognized as independent to send in their applications by 23 December. Several conditions for the recognition of new states were set out in the invitation:

> 1) Respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;
> 2) Guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;
> 3) Respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;
> 4) Commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State succession and regional disputes.[43]

40 Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990–1992*, 49.
41 Ibid.
42 *Službeni glasnik srpskog naroda u Bosni i Hercegovini*, issue 1, 8-9, January 15, 1992, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina. Stenografske bilješke druge sjednice Skupštine srpskog naroda u Bosni i Herzegovini, 16, November 21, 1991, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
43 "Hronologija događaja na prostoru bivše SFRJ 1989-1995" (unpublished manuscript, 2018), 114-115, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

20 December

- The BiH Presidency, with opposition from the Serb members of the Presidency and after outvoting them, adopted the decision to request the recognition of Bosnia and Herzegovina's independence by the European Community.[44]

21 December

- With the constitutional right of a people to self-determination and self-organization as a basis, the Assembly of the Serb People in Bosnia and Herzegovina, in a session held in Sarajevo, decided to begin forming the Republika Srpska of Bosnia and Herzegovina.[45]

23 December

- After Slovenia and Croatia were recognized by the Ukraine and Ireland, they were officially recognized by Germany as well.[46]

1992

8 January

- The Inaugural Meeting of the Autonomous Region of Birač, as an autonomous territorial unit of citizens and peoples, within the federal state of Yugoslavia, was held at a founders' gathering in Šekovići. The Autonomous Region of Birač, in accordance with the decision of Serb MPs from eight communes, was to be made up of Šekovići and Vlasenica municipalities, and parts of Bratunac, Zvornik, Srebrenica, Kalesija, Kladanj, and Živinice municipalities.[47]

9 January

- In Sarajevo, the Assembly of the Serb People of BiH, consisting of BiH Assembly's Serb MPs, proclaimed the Republic of the Serb People of BiH. In the Declaration on the proclamation of the Republic of the Serb People of Bosnia and Herzegovina, among other things, the following was written:
- In the territories of the Serb Autonomous Regions and Areas and other Serbian ethnic structures in Bosnia and Herzegovina, including those areas where Serbs had become a minority because of the genocide committed against them in World War II, and on the basis of a plebiscite that had been held on 9 and 10 November 1991 at which the Serb people voted to stay in the common state of Yugoslavia, the Republic of the Serb

44 Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990–1992*, 59.
45 *Službeni glasnik srpskog naroda u Bosni i Hercegovini*, issue 1, 8-9, January 15, 1992, Archives of the RCIRZ.
46 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 117, Archives of the RCIRZ.
47 Ibid, 122.

People of Bosnia and Herzegovina was established and formed within the Federal State of Yugoslavia as its federal unit.[48]

11 January

- The Arbitration ("Badinter") Commission provided the International Conference on Yugoslavia with legal opinion (from two to seven) regarding the international legal status of SFRY, and in those opinions, inter alia, the following was stated:

> On 20 November 1991 the Chairman of the Arbitration Commission [Robert Badinter] received a letter from Lord [Peter] Carrington, Chairman of the [Peace] Conference in Yugoslavia, requesting the Commission's opinion on the following question put by the Republic of Serbia: "Does the Serbian population in Croatia and Bosnia and Herzegovina, as one of the constituent people of Yugoslavia, have the right to self-determination?"
>
> The Arbitration Commission is therefore of the opinion:
>
> that the Serbian population in Bosnia and Herzegovina and Croatia is entitled to all the rights accorded to *minorities* and ethnic groups under international law and under the provisions of the draft Convention on the [Peace] Conference on Yugoslavia of 4 November 1991, to which the Republics of Bosnia and Herzegovina and Croatia have undertaken to give effect.

Inter alia, the Commission decided that the recognition of Bosnia and Herzegovina was to be conditional on a referendum on independence in which BiH citizens would vote.[49]

26 January

- The Assembly of the Republic of the Serb People of BiH, at a session held in Sarajevo, adopted the conclusions on calling a referendum on BiH independence, where the following was written:

> "The decision to call a referendum for the citizens of BiH, which would constitute a basis for transforming BiH into an independent state, was adopted in an irregular manner and without the presence of the Serbian MPs. As an act by the legal representatives of the Muslim and Croat peoples in Bosnia and Herzegovina, it can be binding only on members of those two peoples. For the Serb people of BiH, this decision is invalid and directed against their existential interests. The decisions forbidding further work of BiH representatives in all federal (Yugoslav) bodies and institutions are invalid and non-binding as well".[50]

48 *Službeni glasnik srpskog naroda u Bosni i Hercegovini*, issue 2, 14, January 27, 1992, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
49 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 123, Archives of the RCIRZ.
50 Ibid, 127.

6 February

- Turkey recognized the independence of Bosnia and Herzegovina.

21 February

- The last attempt to resolve the crisis in Bosnia and Herzegovina peacefully came from the Portuguese Ambassador to the European Community, Jose Cutileiro, who proposed the text for the declaration on the new structure of BiH, according to which BiH was to become an independent state divided into three entities. Even though none of the parties was completely satisfied, the proposed text was adopted the following day by all three national parties. Through that agreement, the SDS confirmed the integrity and the indivisibility of BiH, while the SDA and HDZ accepted the reorganization and the forming of entities.[51]

29 February - 1 March

- Nonetheless, the referendum for Bosnia and Herzegovina's independence, which organized by the SDA, was held despite opposition from the official political representatives of one of the three constitutive peoples, that is, the Serbs. This act was seen by the Serb side as a nullification of their constitutionality and a violation of the Constitution. 63.4% of BiH citizens voted in the referendum, which is less than two thirds, the required turnout for the referendum to be valid. Despite that, the referendum was declared valid by the SDA and all mechanisms for declaring BiH independence were triggered.[52] None of the Serbs in Srebrenica municipality voted in the referendum.[53]

15 March

- The Serb municipality of Zvornik was proclaimed, and Jovo Mijatović was elected municipal president. The Serb municipality of Zvornik was supposed to include all those parts of the Zvornik municipality in which Serbs were a majority.[54]

18 March

- After the fifth round of negotiations, the leaders of three national parties, the SDA, HDZ, and SDS, signed a declaration on the principles of new constitutional solutions for BiH (Cutileiro's plan). According to that document, BiH would remain within its present boundaries as a decentralized state with three constitutive units, based on national principle. According to the proposed maps, the Muslims would have gained 42 municipalities and 44% of the territory, the Croats 20 municipalities and 12% of the territory, and the Serbs 37 municipalities and 44% of the territory. 18% of Muslims, 59% of Croats, and 50% of Serbs would remain residing outside the national community.[55]

51 Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990–1992*, 45-60.
52 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 136, Archives of the RCIRZ.
53 Ibišević, *Srebrenica*, 164.
54 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 132, Archives of the RCIRZ.
55 Nikolić, *Bosna i Hercegovina u vreme raspada SFRJ 1990–1992*, 45-60.

24-25 March

- HDZ and SDA representatives unilaterally decided to reject Cutileiro's plan and to trigger the mechanisms for creating a unitary Bosnia and Herzegovina.[56]

26-27 March – 3 April

- The war confrontations from the territory of Croatia spread to the territory of BiH as well. Armed forces from Croatia crossed over to BiH and carried out attacks on and crimes against Serbs in Sijekovac near Bosanski Brod (region of Northern Bosnia – Posavina) and in the region of the town of Kupres (southwestern Bosnia). Dozens of Serb civilians were killed in those crimes.[57]

1 April

- In Bijeljina, confrontations started between the Muslim Territorial Defense units and the Territorial Defense of Semberija and Majevica SAO (Serb Autonomous Region), by the side of which also stood the paramilitary units of Željko Ražnatović Arkan.[58]

3 April

- By the decision of the President of the Presidency, Alija Izetbegović, despite opposition from the Serb member of the Presidency, mobilization of TO units in all municipalities and the city of Sarajevo was ordered.[59]

4 April

- Under the instruction of the President of the Presidency, the mobilization of Muslims in the territory of Zvornik municipality began.[60]
- The Crisis Staff of the Serb municipality of Zvornik withdrew to Karakaj, 3 km away from Zvornik, while the control over Zvornik remained in the hands of Muslim TO units' members.[61]

5 April

- As the confrontations in the territory of Zvornik municipality were becoming more likely to break out, a large number of its residents of Serb nationality decided to flee over the Drina River to Serbia.[62]

56 Ibid.
57 Database of the RCIRZ: Serb Victims in the Middle Podrinje.
58 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 146, Archives of the RCIRZ.
59 Ibid, 147.
60 Presuda Branku Grujiću i Branku Popoviću od Višeg Suda u Beogradu, Odeljenje za ratne zločine, 20, November 22, 2010, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
61 Presuda Branku Grujiću i Branku Popoviću, 20.
62 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 148, Archives of the RCIRZ.

6 April

- In Luxembourg, the Governments of the European Communities decided to recognize Bosnia and Herzegovina as an independent state, despite the opposition from one of its constitutive peoples, the Serbs.[63]

7 April

- After the unilateral declaring of Bosnia and Herzegovina's independence, the Assembly of the Serb People in Bosnia and Herzegovina declared the independence of the Republic of the Serb People in Bosnia and Herzegovina which "could enter into union with other political bodies in Yugoslavia".[64]
- The United States of America recognized the independence of Bosnia and Herzegovina.[65]

9 April

- After hours of combat, Serb forces managed to push the Muslim forces out of the urban part of Zvornik. Significant Muslim forces withdrew to Kula Grad, a suburban area of Zvornik and a medieval fortress, which dominates above the town. From this dominant position, the Muslim snipers held the town under constant siege, thus the fight for Kula Grad also became a fight for Zvornik. Many civilians, both Muslims and Serbs, fled the area due to combat that that was claiming victims on both sides.[66]
- During this period, Serb authorities in Zvornik municipality invited volunteers to assist the efforts of the Serb municipality of Zvornik to establish a government and restore peace in its area. Many volunteers responded to the invitation and they soon formed several paramilitary units. The invitation sent out by the authorities of the Serb municipality of Zvornik turned out to be a double-edged sword because soon the newly formed paramilitary units, consisting of people with dubious pasts, started abusing and killing not only Muslims but also Serbs who dared stand up to them. Among those first to experience their animosity personally was Jovo Mijatović, President of the Serb municipality of Zvornik, who was beaten up by Arkan's volunteers.[67]

10 April

- Wartime Muslim national police stations were established throughout the municipality of Srebrenica. The first Territorial Defense platoons were formed, consisting exclusively of Muslim members.[68]

63 Ibid.
64 Ibid.
65 Ibid.
66 Ibid, 149.
67 Presuda Branku Grujiću i Branku Popoviću, 20.
68 Ratni kalendar 281. brigade, 1, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

14 April

- The Serb municipality of Skelani was established in the territory of Skelani local community and it remained a part of the Republic of the Serb People in Bosnia and Herzegovina. In agreement with Muslim representatives from Srebrenica, a meeting was held on 14 April and in it, it was attempted to agree on the borders of the new municipality and the boundary between it and Srebrenica municipality. At the same time, armed Muslim groups were appearing openly in public all throughout Srebrenica municipality, while Serb villages had armed village guards on barricades.[69]

18 April

- A correspondent for TANJUG reported that intense combats had started in the territory of Srebrenica municipality between, on one side, the Yugoslav People's Army and the Territorial Defense consisting of Serb members and, on the other, Muslim TO forces. That same day, JNA units entered the town areas of Srebrenica and Bratunac.[70]

20 April

- A group of Muslim soldiers under the command of Naser Orić, lying in wait in Potočari village, made a raid against a JNA column that consisted of volunteers and killed five of its members. In combats that were taking place throughout the municipality during that period, people were killed on both sides.[71]

25 April

- JNA units, assisted by individual Serb paramilitary units, carried out an attack on the large Muslim village of Kamenica (more precisely, three villages, Donja Kamenica, Gornja Kamenica, and Glodi). This attack was carried out in coordination with efforts to take control over Kula Grad, because a significant number of Kamenica residents, one platoon at the least, participated in the defense of Kula Grad.[72]

26 April

- After long and difficult fighting, members of the JNA with the support of Serb volunteers crushed the resistance of Muslim forces in Kula Grad and took control over this suburb of Zvornik. After they had lost Kula Grad, Muslims started migrating in the direction of Tuzla en masse.[73]
- The same day when JNA units and Serb volunteers took control over Kula Grad, the resistance of Kamenica residents was overcome as well. During these combats, there were civilian casualties among the locals (Muslims) of Kamenica village.[74]

69 Ibišević, *Srebrenica*, 197-199.
70 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 151, Archives of the RCIRZ.
71 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji" (unpublished manuscript, 2013), 115, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
72 Muhamed Omerović, *Kamenica u paklu opsade* (Tuzla: n.p., 2017), 59.
73 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 122, Archives of the RCIRZ.
74 Omerović, *Kamenica u paklu opsade*, 66.

29 April

- In the village of Snagovo, right next to Kula Grad, where Serbs were a majority, Serb paramilitary units committed a crime when they executed by shooting 36 captured civilians of Muslim nationality.[75]

1 May

- Heavy combat raged throughout the territory of Srebrenica municipality. Muslim forces were mainly carrying out sabotage operations against JNA units.[76]

2 May

- In Hranča village, situated not far from Bratunac, there was combat between a JNA column, which was returning with materiel and technical equipment from Croatia and was pulling out towards Serbia, and Muslim Territorial Defence units. People were killed on both sides in those combats.[77]

3 May

- Members of the Yugoslav People's Army were massacred in Dobrovoljačka Street in Sarajevo by members of Muslim war formations, after which the Presidency of Yugoslavia unilaterally decided to withdraw all JNA units from BiH territory by 19 May.

6 May

- On Đurđevdan (Feast of St. George), an Orthodox Christian holiday, Muslim Territorial Defence units attacked Blječeva village in Bratunac municipality as well as Gniona village in Srebrenica municipality, which they torched, and on that occasion they killed five civilians of Serb nationality whom they found in the village.[78]

7 May

- Several attacks were carried out against Serbs in Srebrenica itself or its immediate surrounding area, in which 10 civilians and members of village guards were killed.[79]

8 May

- Lawyer Goran Zekić, an MP in the BiH Assembly and the SDS leader in Middle Podrinje, was killed in an ambush in Srebrenica. The murder of Goran Zekić, the most esteemed Serb in Podrinje, triggered a series of reactions throughout Srebrenica and Bratunac. Zekić's murder and that attack were organized by Muslim units of the Srebrenica TO.[80]

75 Ibid, 90-92.
76 Ratni kalendar 281. brigade, 1-2, n.d., Archives of the RCIRZ.
77 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, 5, Archives of the RCIRZ.
78 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 35, 15, Archives of the RCIRZ.
79 Ibid, 116-118
80 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, 5, Archives of the RCIRZ.

- After Zekić's murder, Serbs from the most urban part of Srebrenica decided to leave the town, and started fleeing it en masse.[81]
- In response to the murder of Goran Zekić, his closest associate Miroslav Deronjić ordered an attack to be carried out on Glogova village, the strongest and biggest Muslim and SDA foothold in the territory of Bratunac municipality.[82]

9 May

- After the army and the majority of Serbs had withdrawn from the urban core of Srebrenica, Muslim formations under at the time still informal command of Naser Orić took control of the town and banished or killed the few remaining Serbs.[83]
- In the attack on Glogova village that was carried out by Serb units under the command of Miroslav Deronjić, and in which paramilitary units also participated, 64 persons were killed, the majority of them Muslim civilians. At The Hague Tribunal, Miroslav Deronjić was sentenced to 10 years in prison. Deronjić defended himself before the Tribunal saying that he had ordered the attack on Glogova as a military target but not the killing of civilians, which was mainly done by paramilitary units which operated independently and did not take orders from anyone.[84]

10 May

- In the attack on the Serb village of Baljkovica in Zvornik municipality, members of Muslim formations killed five civilians and members of village guards.[85]

12 May

- In conditions when JNA was withdrawing from the territory of Bosnia and Herzegovina to Serbia, the Serb people were left without any kind of a military force that they trusted, which is why they started the initiative to form the Army of the Serb Republic of Bosnia and Herzegovina, which was later renamed the Army of Republika Srpska. VRS (Republika Srpska Army) was the last major war formation to be made in the territory of Bosnia and Herzegovina.[86]

15 May

- A paramilitary unit which appeared in the territories of Bratunac and Srebrenica municipalities after the outbreak of conflict caused great trouble not only for the Muslim

81 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici," 16, November 15, 1999, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
82 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, 5, Archives of the RCIRZ.
83 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici", 16, Archives of the RCIRZ.
84 *Prosecutor v. Miroslav Deronjić*. Case No. ICTY, IT-02-61-S, Sentencing Judgement, 3 March 2004.
85 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 122, Archives of the RCIRZ. Database of the RCIRZ: Serb Victims in the Middle Podrinje.
86 Group authors. *Republika Srpska u Odbrambeno-otadžbinskom ratu* (Banja Luka: n.p., 2017), 85.

population in these municipalities but for the local Serb population as well. After Muslim territorials ambushed and killed the commander of that unit on 20 April, reprisal against the Muslim population followed. During the period up to 15 May, several dozens of Muslim civilians were killed in the territory of these two municipalities, namely those who the members of that unit thought were guilty for the killing of their commander, and around 10 Serbs were killed in that period as well, those accused of being traitors. It was only when the Army of Republika Srpska was formed and the Police Station of Republika Srpska in Bratunac organized, through the efforts of military and civilian authorities, that the unit was driven out from the territories of Bratunac and Srebrenica municipalities. Furthermore, around 400 Muslim men, whom the members of that unit had held captive at the town stadium and in Vuk Karadžić primary school, were transported on 17 May to Pale where they were exchanged for captured Serb civilians and fighters.[87]

- Muslims from the villages of Osmače, Greben, and Karačići carried out an attack on the predominantly Serb village of Međe, on which occasion they killed seven civilians and members of village guards, while 10 of them were taken captive to the neighboring Greben village and from there were taken to the Srebrenica prison. Imprisoned Serbs were exposed to abuse on a daily basis, and Ljubica Gagić, unable to endure the torture any longer, committed suicide in prison. After negotiating with the Serb side, on 13 August 1992 an exchange was organized in which the remaining captives were released.[88]

16 May

- An attack was carried out by Serb units on the village of Zaklopača in Milići municipality, and 68 Muslim civilians were killed.[89]

21 May

- In an ambush set by Muslim units in the village of Žutica, located today in Milići municipality, eight Serb civilians and members of village guards were killed.[90]
- An attack was carried out by Serb units on the village of Nova Kasaba in Milići municipality, and 29 Muslim civilians and members of village guards were killed.[91]
- During an attack carried out by Serb units on the territory of the village of Donji Grbavci in Zvornik municipality, 69 Muslim civilians and members of village guards were killed.[92]

87 Izjava svjedoka Rodoljuba Đukanovića Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju, 6, Archives of the RCIRZ.
88 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 119, Archives of the RCIRZ.
89 Group authors. *Zločinci i žrtve* (Živinice: n.p., 1995) 55.
90 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 225, Archives of the RCIRZ.
91 Komanda 8. OG Srebrenica, upućuje dopis sektoru za moral II korpusa, broj 69/94, March 7, 1994, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
92 Izvještaj Amora Mašovića, Sarajevo, 7, 2003, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

27 May

- On the Zvornik-Milići-Sarajevo main road, near Konjević Polje in Bratunac municipality, Muslim units launched an attack on the employees of Boksit PLC from Milići, and on that occasion they killed five persons of Serb nationality.[93]
- Members of Zvornik Territorial Defense, making up mainly paramilitary units, during the evacuation and relocation of around 500 Muslims from the village of Divič in Zvornik municipality over to the Muslim territory in Tuzla, separated 174 able-bodied men who were allegedly to be used in exchange for Serbs captured in areas around Tuzla. Out of the group, only 83 captured men were exchanged, while the rest were killed by paramilitary units.[94]

30 May

- In the village of Drinjača, Zvornik municipality, 35 Muslim civilians – men – were killed by Serb units that were located in the area.[95]

June

- During this period there were still no strictly defined battlefronts between the warring sides. That, in fact, resulted in more deaths on both sides. It could be said that some individual villages were fortified points that defended themselves mainly using their own means, which meant village guards that were armed mostly with infantry weapons, while road communications at the time would belong to the military force which was moving on them at that moment.

1 June

- Violating what had previously been agreed on, which refers to the agreement that the residents of Muslim villages of Zvornik municipality – Klis, Đulići, Grbavci, Kučić Kula, Grebe, Šetići, Čelimšani, Radave, Sjenokosa – were supposed to migrate over to the territory under the control of Muslim units, Members of Zvornik TO took around 700 able-bodied men from these villages as hostages, under the pretense that they wanted to exchange them for Serbs captured in areas around Tuzla.[96]

10 June

- Muslim TO units from the areas of Cerska, Srebrenica, Konjević Polje, and Kasaba carried out an attack on the Serb village of Rupovo Brdo, which is today located in Milići municipality. On that occasion, they torched 25 houses, while eight civilians and members of village guards were killed.[97]

93 Ibid, 38.
94 Presuda Branku Grujiću i Branku Popoviću, 4.
95 "Report on the results of interviews with war refugees staying in Austria on violations of humanitarian International Law and human rights in the former Yugoslavia" (Vienna: n.p., 1993), 20-21, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
96 Ibid, 5.
97 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 228, Archives of the RCIRZ.

21 June

- On Trinity Sunday, an Orthodox Christian holiday, early in the morning, Muslim units from Srebrenica carried out an attack on the Serb village of Ratkovići and killed 18 civilians and members of village guards, all of them of Serb nationality.[98]

28 June

- Following the usual pattern, which meant organizing great attacks on Serbs on significant Christian and national holidays, in 1992 on Vidovdan (Feast of St. Vitus), Serbs' greatest religious and national holiday, Muslim units from Srebrenica invaded the territory of Loznice village in Bratunac municipality and killed 10 civilians and members of village guards, all of them of Serb nationality.[99]

30 June

- Early in the morning, Muslim units from Srebrenica carried out an attack on the Serb village of Brežani, which was burned to the ground in the attack, and those Serbs who were not killed were driven out of it. That day, 19 civilians and members of village guards were killed in the village, and bodies of some of them have not been found to this day.[100]

2 July

- Members of Muslim territorial units killed five Serb civilians and members of village guards in Rožanj village in Zvornik municipality.[101]

5 July

- Muslim territorials attacked the Serb village of Krnjići. In close proximity of the church they killed priest Slobodan Lazarević, and according to the testimonies of surviving Serbs, elderly and immobile retired country schoolteacher Vaso Parača was burned alive in his own house. That day, 19 civilians and members of village guards were killed in Krnjići.[102]
- On the same day when they attacked Krnjići, they also attacked a Serb village in Bratunac municipality, Zagoni, where 14 civilians and members of village guards were killed.[103]

12 July

- On the day when the Serbs celebrate the "Christian holiday of the Apostles St. Peter and St. Paul", Muslim TO formations carried out an attack on the Serb village of Zalazje in

98 Ibid, 127.
99 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 45, Archives of the RCIRZ.
100 Ibid, 131.
101 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 172, Archives of the RCIRZ.
102 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 134, Archives of the RCIRZ.
103 Ibid, 47.

Srebrenica municipality, which was burned down completely. On that day, 18 civilians and members of village guards were killed, all of them of Serb nationality. That same day, Muslim units also captured 20 members of village guards who were defending the village, and to this day no one knows exactly what happened to them. The last known fact is that the captives were taken in the direction of Potočari. Thus, the total number of Serbs killed on the Feast of Saints Peter and Paul, a great Christian holiday, is 45.[104]

20 July

- Muslim TO formations from Potočari, Čizmići, and Blječeva attacked Magašići village in Bratunac municipality. Eight civilians were killed then, six of them women and one child of Serb nationality. The village was torched and property looted.[105]

29-30 July

- After Muslim resistance was crushed at Kula Grad, Muslim population started migrating in masses from the area of Zvornik municipality. At the same time, in early May, the Yugoslav People's Army started withdrawing from the territory of BiH, thus paramilitary units formed by volunteers took advantage of this vacuum of power and took a good portion of power into their own hands. In the territory of Zvornik municipality, paramilitary units that stood out particularly were "Žute Ose" (Yellow Wasps) and "Pivarski", and together they numbered around 100 well-armed volunteers, mainly from Serbia, and they operated within Zvornik Territorial Defense. The operation of these units is connected to great war crimes against the Muslim population in several villages in Zvornik municipality: Klis, Đulići, Grbavci, Kučić Kula, Grebe, Šetići, Čelimšani, Radave, Sjenokosa (see entry under 1 June). According to courts in Serbia that persecuted and accused this group, the members of these paramilitary units are believed to have committed killings of at least 352 Muslim individuals (able-bodied men). To which extent these units were out of control can be seen in the fact that they had captured Velibor Ostojić, the Minister for Information in the Government of the Serb Republic of Bosnia and Herzegovina, at one checkpoint that they held at the entrance to town and they humiliated him, forcing him to eat the grass from the ground. On 29 and 30 July, specially trained Serb units of the MUP (Ministry of the Interior) from Pale apprehended and banished all members to these units from the territory of the Serb Republic of BiH. In courts in Serbia and Republika Srpska, many of these units' members were sentenced to years of imprisonment.[106]

104 Ibid, 137.
105 Ibid, 54.
106 Presuda Branku Grujiću i Branku Popoviću, 220-230.

8 August

- Ježestica village in Bratunac municipality, with its hamlets of Kijevići, Đermani, and Ječmišta, was inhabited exclusively by Serbs. At 1200 hours, Srebrenica TO units from Potočari carried out an attack on this village in which eight civilians and members of village guards were killed – some of them by decapitation – 55 houses were torched, and all moveable property was looted.[107]

15 August

- Muslim armed formations from the village of Cerska attacked the Serb village of Šadići Gornji in Vlasenica municipality and killed 11 civilians and members of village guards, while Serbs' homes were looted and demolished.[108]

24 August

- Members of Cerska and Kamenica Army of BiH Territorial Defense killed five civilians and members of village guards in the village of Kamenica Gornja.[109]

26-27 August

- The London Conference on the peaceful resolution of the Yugoslav crisis was held and it was chaired by UN Secretary-General Boutros Boutros-Ghali and Great Britain's Prime Minister John Major. The Conference did not yield any concrete results, thus the warring parties left without reaching an understanding.[110]

9 September

- Around six thousand Muslim civilians, soldiers, and wounded, tried to make a breakthrough through Snagovo and Baljkovica towards Tuzla. Members of the VRS discovered this column and prevented it from breaking through towards Tuzla. During the fighting, a number of Muslim civilians and soldiers lost their lives. Most civilians returned to their starting point, towards Srebrenica.[111]

16 September

- The Serb village of Zalužje was attacked from the direction of Potočari under the command of Naser Orić, on which occasion eight civilians and members of village guards were killed.[112]

107 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 59, Archives of the RCIRZ.
108 Ibid, 198.
109 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 172, Archives of the RCIRZ.
110 Momir Stojković, *Balkanski ugovorni odnosi: 1876-1996, dvostrani i višestrani međunarodni ugovori i drugi diplomatski akti o državnim granicama, političkoj i vojnoj saradnji, verskim i etničkim manjinama: III tom (1946-1996)* (Beograd: n.p., 1999), 612.
111 Komanda 8. OG Srebrenica, upućuje dopis sektoru za moral II korpusa, broj 69/94, March 7, 1994, Archives of the RCIRZ.
112 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 64, Archives of the RCIRZ.

17 September

- Members of the BiH Army (Cerska TO) killed in the village of Kočanje-Novo Selo in Zvornik municipality 7 civilians of Serb nationality, 5 of whom were members of the Ilić family.[113]

24 September

- Muslim ABiH (Army of Bosnia and Herzegovina) TO attacked one of the largest Serb villages in Srebrenica municipality, Podravanje. That day, 31 civilians and members of village guards were killed in the village, while five persons were taken captive, and only two of them were subsequently exchanged. The village was looted and torched.[114]

26 September

- Early in the morning, a Muslim TO from Cerska attacked a small Serb village called Rogosija, located in Vlasenica municipality. That day, the village was torched and looted, and 29 members of the VRS, soldiers, and members of village guards were killed.[115]

5 October

- The Serb village of Fakovići in Bratunac municipality was attacked. The attack was carried out by Muslim TO units from Srebrenica. During the attack, a certain number of locals, elderly persons, women, and children managed to flee to Serbia, but the Muslim units continued firing at them using mortars. In the attack, 28 persons of Serb nationality were killed, 12 of whom were women, and over 120 houses were torched.[116]

8 October

- In the villages of Šetići and Malešići in Zvornik Municipality, ARBiH (Army of the Republic of Bosnia and Herzegovina) members killed 14 Serb civilians and members of village guards.[117]

1 November

- The last corps that was formed within the VRS was the Drina Corps. Even though the forming of the Drina Corps was ordered by an order of the VRS GŠ (Main Staff), dated 3 July 1992, it took root on 1 November 1992. The corps was formed in the area of the Romanija plateau, Birač, and Upper, Middle, and Lower Podrinje. The zone of the DK (Drina Corps) involved a part of the territory that used to belong to the SRK (Sa-

113 Database of the RCIRZ: Serb Victims in the Middle Podrinje.
114 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 148, Archives of the RCIRZ.
115 Ibid, 203.
116 Ibid, 66.
117 Database of the RCIRZ: Serb Victims in the Middle Podrinje.

rajevo-Romanija Corps), IBK (Eastern Bosnia Corps), and HK (Herzegovina Corps). Certain units of the IBK (Zvornik and Birač Brigade), the SRK (the 2ndRomanija and Rogatica Brigade), and the HK (Čajniče and Rudo), together with some newly formed units (headquarters' support units, as well as Milićka, Bratunačka, Vlasenička, Višegradska), became part of this Corps.[118] The zone of the Corps involved the areas of the municipalities of Zvornik, Šekovići, Vlasenica, Milići, Han Pijesak, Sokolac, Rogatica, Višegrad, Rudo, Čajniče, and Srpsko Goražde. The first commander of the Corps, from the time it was formed until July 1995, was Major General Milenko Živanović, while the second commander was General Radislav Krstić who performed that duty until the end of the war. Depending on certain changes in number of military forces, it consisted of an average of 18,000 to 20,000 fighters.

6 November

- Members of the ABiH Srebrenica OS (Armed Forces) and Cerska TO killed 51 VRS soldiers in the village of Kamenica, located in Zvornik municipality.[119]

7 December

- Republika Srpska President Radovan Karadžić sent a letter to the Commander of UNPROFOR in BiH, French General Philippe Morillon, in which he said, "On 3 December 1992, Muslims from the Srebrenica area carried out a brutal attack on certain locations in Milići municipality. In the attacks on the buildings of Boksit company, 11 workers were killed and 21 were wounded. Weapons and ammunition of Arab make were found on some of the attackers that were killed, as were several UNPROFOR packages. We lodge a strong protest over this attack, victims of which were civilians, and request you to check whether the UNPROFOR packages are connected to the last convoy to Srebrenica".[120]

14 December

- A large-scale attack was carried out by ABiH Armed Forces from Srebrenica on the Serb villages of Bjelovac, Sikirići, and Loznica in Bratunac municipality. In this attack, 62 persons of Serb nationality were killed, while many Serbs, mainly women and children, were taken captive. One group of women and children, 17 of them, was exchanged on 6 February 1993.[121]

118 *Uloga starješina VRS u stvaranju i odbrani Republike Srpske u Odbrambeno-otadžbinskom ratu: Zbornik radova* (Banja Luka: n.p., 218), 163.
119 Database of the RCIRZ: Serb Victims in the Middle Podrinje.
120 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 200, Archives of the RCIRZ.
121 "Hronika stradanja spskih civila i vojnika u srebreničkoj regiji", 74, Archives of the RCIRZ..

1993

7 January

- On Christmas, a major Christian holiday, Muslim units from Srebrenica launched a large-scale attack on Serb villages in Bratunac municipality, particularly targeting Kravica village and villages gravitating towards Kravica local community (Ježestica, Kajić, Šiljković, Opravdići, Popovići, Mandići, Banjevići, Oćenovići, Rusići, Dolovi, and Jasikovača). According to estimates, the attack was carried out by three to four thousand Muslim soldiers, while the defense consisted of just a few hundred locals from Kravica and neighboring villages. On that occasion, they drove out all the Serbs and looted, torched, and destroyed the villages. In that attack, 51 civilians and members of village guards were killed. A number of Serbs were taken captive to Srebrenica. The aim of the attack was the further advancing of Muslim units towards the town of Bratunac, whose occupation would mean that Republika Srpska would be split into two parts.[122]

16 January

- An attack was carried out by ABiH Armed Forces on the area of Skelani village, which at the time had the status of a municipality. Serb civilians in this area were encircled from three sides, and under pressure were driven out in the direction of Bajina Bašta and Serbia, via the only exit route, the bridge across the Drina River, which was under constant sniper fire from the Muslim forces. Those who could not cross the bridge attempted to swim across the river. In the attack, 57 civilians and members of village guards were killed, with the youngest victims being five-year-old Aleksandar Dimitrijević and his twelve-year-old brother Radisav Dimitrijević, who were killed by sniper fire while crossing the bridge together with other civilians.[123]

17 January

- Muslim ABiH units from Srebrenica, with over 1,000 soldiers engaged, launched an attack on the Serb positions along the entire frontline in the sector of Skelani and Bajina Bašta, which is located in Serbia. Several shells were also fired on Bajina Bašta (Serbia) and several on Perućac, near the hydropower plant, approximately twenty meters away from the concrete dam. Muslim forces opened fire from the bank of the Drina on the watchtowers of the Armed Forces of Yugoslavia located in Perućac and Jagoštica. As stated by the Užice Corps Command, members of that unit returned the attack.[124]

122 Ibid, 88.
123 Ibid, 154.
124 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 211, Archives of the RCIRZ.

January-March

- With the attack on Skelani, the territory of the Muslim enclave of Srebrenica was complete, with it being, at the time, the ethnically purest area in wartime Bosnia and Herzegovina. During this period, the enclave was larger than ever, spreading to approximately 900 km^2 and encompassing five municipalities (Srebrenica, Bratunac, Vlasenica, Zvornik, Milići). Up to that point, Muslim units had ethnically cleansed this area, and throughout the course of that cleansing killed around 2,000 civilians and members of village guards, all of whom were of Serb nationality. After the attack on Kravica, and especially on Skelani, and the great massacres of Serb civilians, the Army of Republika Srpska commenced a large-scale counter-offensive against the Muslim units in Srebrenica. Within just a few weeks, Muslim forces were completely defeated and their territory reduced to just the town core of Srebrenica.[125] During that counter-offensive by the Serb forces, the town of Srebrenica, where Muslim ABiH formations were located, was heavily shelled and in those instances, according to witness Ibran Mustafić, several dozen Muslim civilians were killed.[126]

11 March

- Commander of the UNPROFOR in BiH, Philippe Morillon, together with a UN convoy entered Srebrenica to negotiate a ceasefire and allow for the arrival of a humanitarian aid convoy, to which the VRS Main Staff led by General Mladić had agreed.[127]

13 March

- Muslim authorities in Srebrenica temporarily detained the Commander of UNPROFOR Peace Forces in BiH, French General Philippe Morillon. According to what they stated about it, they decided to do that in order to exert pressure on the Serbian and international public so that they would allow the arrival of humanitarian aid convoys in Srebrenica.[128]

19 March

- UNHCR entered Srebrenica and brought large quantities of humanitarian aid. At the same time the evacuation of Muslim civilians to Tuzla was started.[129]

21 March

- Authorities of Republika Srpska gave permission for members of Muslim forces in Srebrenica who had been seriously wounded to be evacuated by helicopters, but they also stated that this did not mean they were establishing a permanent airlift.[130]

125 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici", 17, Archives of the RCIRZ.
126 Mustafić, *Planirani haos*, 247.
127 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 219, Archives of the RCIRZ.
128 Ibid.
129 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici", 17, Archives of the RCIRZ.
130 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 219, Archives of the RCIRZ.

22 March

- A delegation from Republika Srpska that was in New York, participating in negotiations, informed the UN Security Council that all military activities in the theatre around Srebrenica would be stopped and that the Serb side was guaranteeing both the air and the land corridors serving for the delivery of humanitarian aid.[131]

2 April

- By 2 April, around 8 to 9 thousand Muslim civilians were evacuated from Srebrenica towards Tuzla, when the forces under the command of Naser Orić, in accordance with a directive that had come from their Command in Sarajevo, banned further evacuation of people. Even though the civilians exhibited great desire to be transported to Tuzla, an area at the time under the control of the Army of Bosnia and Herzegovina, further evacuation was stopped, thus those people virtually became hostages of SDA politics.[132]

12-15 April

- Combats around Srebrenica intensified between the VRS and Muslim members of the TO of Srebrenica, who had tried to carry out a counteroffensive on the Serb positions around the town. In Srebrenica, a town that was being defended, a certain number of civilians were killed during those combats as well.[133]

16 April

- The UN Security Council adopted Resolution 819 which ordered the cessation of all armed attacks on Srebrenica and the withdrawal of VRS forces from the areas around Srebrenica. Among other things, it was also stated in the resolution "that all parties are to treat Srebrenica and its surroundings as a safe area free from any armed attack or any other hostile act". That same day, the VRS Main Staff ordered the cessation of operations against Muslim units in Srebrenica and allowing for the passage of all humanitarian convoys.[134]
- United States Secretary of State, Warren Christopher, informed Moscow that the USA, in case Srebrenica fell into the hands of the Serbs, would ask for the intensification of sanctions against the Federal Republic of Yugoslavia.[135]

18 April

- An agreement was reached on the demilitarization of Srebrenica and it was signed by representatives of the UN, the VRS, and the ARBiH.[136]

131 Ibid, 220.
132 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici", 18, Archives of the RCIRZ.
133 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 222, Archives of the RCIRZ.
134 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici", 23, Archives of the RCIRZ.
135 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 222, Archives of the RCIRZ.
136 Izvještaj generalnog sekretara po osnovu rezolucije generalne skupštine 53/55, "Izvještaj o Srebrenici",

1 May

- Due to great pressures he was subjected to, the President of Republika Srpska, Radovan Karadžić, signed the Vance-Owen plan, which was to make Bosnia and Herzegovina a decentralized state with ten autonomous provinces which would have the characteristics of those communities that would constitute the majority in them.[137]

5 May

- A special session of the National Assembly of Republika Srpska was held, and in it Karadžić's signature on the Vance-Owen plan was declared invalid and the people were urged to vote on the above issue in a referendum (Koljević, 2008, 192–193).[138]

6 May

- The Security Council adopted Resolution 824, in which it declared that Sarajevo, Tuzla, Žepa, Goražde, Bihać, and Srebrenica were to be treated as safe areas by all parties concerned.[139]

15-16 May

- A referendum was held in Republika Srpska in which 92% of the population participated, with 96% voters voting against the adoption of the Vance-Owen plan.[140]

23 May

- A tripartite commission, consisting of international community representatives, VRS members, and Muslim forces from Srebrenica, established that the area of Srebrenica and Žepa, despite the agreement, had not yet been demilitarized.[141]

30 July

- At a peace conference in Geneva, the Owen-Stoltenberg plan was proposed, which was to make Bosnia and Herzegovina a union of three entities: Republika Srpska, Herzeg-Bosnia, and the Republic of Bosnia. With the next few weeks, this plan was rejected, in its entirety, by the warring parties.[142]

29 August

- According to the information that the VRS possessed, around 12,500 Muslim civilians and 489 wounded Muslim soldiers were evacuated from Srebrenica during April.[143]

24, Archives of the RCIRZ.

137 Nikola Koljević, *Stvaranje Republike Srpske*, vol. 1 (Banja Luka: n.p., 2008), 181-190.

138 Koljević, *Stvaranje Republike Srpske*, 192-193.

139 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 226, Archives of the RCIRZ.

140 Koljević, *Stvaranje Republike Srpske*, 192-196.

141 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 228, Archives of the RCIRZ.

142 Ibid, 237.

143 Ibid, 241.

3 October

- In accordance with the Order of the Commander of the Army of BiH 2nd Corps, the Srebrenica Territorial Defence Staff was restructured into the 8th Operations Group Srebrenica.[144]

1994

26 January

- Representatives of France, the USA, and Great Britain requested from the UN Secretary-General, Boutros Boutros-Ghali, to deliver them, as soon as possible, the entire plan on air operations against the VRS, in order to create opportunities for reopening the airport in Tuzla and the rotation of peacekeeping troops in Srebrenica.[145]

18 March

- The Washington Agreement, under the auspices of the United States of America, created a Muslim-Croatian Federation of Bosnia and Herzegovina. This Agreement established peace between two of the warring parties, which were in heavy armed struggles, often leaning towards eradication, ever since the end of 1992. One of the items provided for the possibility of a confederation with the Republic of Croatia.[146]

25 May

- The Commander of the BiH Army's 8th Operations Group, Naser Orić, sent a personal letter to the Commander of the BiH Army 2nd Corps, asking that the members of the 8th OG (Operations Group), too, were engaged in the "liberation of the country", more specifically by having them carry out combat operations in the "rear of the aggressor".[147]

12 July

- From the UN-protected enclave, the members of the 8th OG carried out an artillery attack on the cemetery in Bratunac, while a memorial service was being held for the Serbs that had been killed in that area.[148]

144 Štab VK OS RBiH, strictly confidential No.14/76-8, dated October 3, 1993, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
145 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 259, Archives of the RCIRZ.
146 Miroslav Tuđman and Ivan Bilić, *Planovi, sporazumi, izjave o ustavnom ustrojstvu Bosne i Hercegovine 1991-1995* (Zagreb: n.p., 2005), 442-444.
147 Komandant 8. OG Naser Orić, lično komandantu 2. korpusa, document No.130-01-23/94, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
148 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 287, Archives of the RCIRZ.

30 October

- The Commander of the 8th OG, Naser Orić, delivered the Chief of the BiH Army's VK (Supreme Command) a plan for the splitting of Republika Srpska territory in the zone of Podrinje and the link-up with the Muslim forces in Tuzla, with active engaging and contribution of the 8th OG. Throughout October and November, more intensive operations of the reconnaissance-sabotage groups from Srebrenica directed against Serb positions commenced.[149]

14 November

- A reconnaissance-sabotage group of the 8th OG's 281st Brigade operated from the enclave of Srebrenica against the Serb positions located outside Srebrenica and three Serb soldiers were killed.[150]

15 November

- Commander of the 8th OG Naser Orić urgently requested permission from his superiors to carry out the operation of splitting Republika Srpska's territory in Podrinje, explaining his stance by stating that the morale of the soldiers in the UN protected enclave of Srebrenica was at a very high level and that the postponing of such an operation would result in a sudden decline of morale and the departure of soldiers in the direction of Tuzla on their own initiative.[151]

1995

28 January

- Members of the BiH Army's 8th Operations Group in Srebrenica captured 99 members of the Dutch Battalion of the United Nations.[152]

1 February

- Brigadier General Ridderstad, UNPROFOR Commander for the North-East sector, sent a letter of protest to General Sead Delić, the Commander of the 2nd Corps of the BiH Army, where, inter alia, he wrote the following: "Srebrenica was declared a safe area by UN SC Resolution 819 of April 1993. The UN initiative to develop the Srebrenica Enclave as a UN 'Safe Area' has been thwarted. The Article of the 'Agreement on the Demilitarization of Srebrenica' dated 8 May has never been fulfilled by

149 Zamisao dejstva za izvršenje zadatka, Komanda 8. OG dostavlja N/R Komandanta OG 6, No.01/130-204/94, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

150 Redovni sedmični izvještaj 8. OG, No.130-13-104/94, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

151 Osnovna zamisao za izvršenje zadatka, mišljenje, komandant 8. OG na ruke generalu Enveru Hadžihasanoviću, No.01/130-125, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

152 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 350, Archives of the RCIRZ.

either of the warring parties. Military activities and ceasefire violations by both the VRS, externally, and the BiH Army, internally, continue unabated".[153]

4 March

- UN representatives accused the Serb side of preventing the regular supplying of the Dutch Battalion located in Srebrenica, which had only a few days' worth of supplies left. At the same time, they threatened that should the obstructing continue they would, with the help of NATO forces, deliver the necessary equipment to the UN members by helicopter.[154]

8 March

- The Supreme Command of Republika Srpska issued a Directive for further actions within the OP (Operation) No.7, which was sent to all VRS corps through the Main Staff. The first task of the VRS was to defend the territory of RS with extremely persistent defense in all parts of the battlefield. The task issued to the Drina Corps was worded as follows:

> Enemy breakthrough along selected operative-tactical lines should be prevented by extremely persistent and active defense in cooperation with part of the forces of the SRK on the northwest part of the warfront and around the enclaves. As many enemy forces as possible should be tied down through diversionary and active combat activities on the northwest part of the front, using operative-tactical camouflage measures, while in the direction of the Srebrenica and Žepa enclaves, complete physical separation of Srebrenica from Žepa should be carried out as soon as possible, even preventing communication between individuals in the two enclaves. Through day-to-day, planned, and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa.

On 20 March, the DK Command elaborated the tasks from its Directive and sent them to subordinate units. Due to the changed circumstances, caused by the offensive of the Army of BiH on the positions of the VRS in several areas in BiH, on 31 March, the Main Staff of the VRS issued its Directive for further actions within the OP No.7/1, in which the above sentence in connection with the DK is not the same as before, but instead it is emphasized that "by persistent defense and active combat activities on the northwest part of the front and around the enclaves, prevent enemy breakthrough along selected operative-tactical lines, and tie down as many of its forces as possible through diversionary operations and using operative-tactical camouflage measures".[155]

153 Ibid.

154 Ibid, 357.

155 Vrhovna Komanda Republike Srpske, Direktiva br.7, document No.2/2-11, March 8, 1995, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina. Zapovest DK, strictly confidential No.03/277-2, March 20, 1995, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina. Direktiva GŠ VRS, document No.02/2-15, 5, item 5.3, March 31, 1995, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

March 15

- In accordance with the new scheme of reorganization of the Army of BiH, the 8th OG Srebrenica was renamed and organized as the 28th Division with headquarters in Srebrenica.[156]

5 May

- The Command of the ARBiH's 28th Division sent the 2nd Corps Command a report on the state of combat morale for April 1995 where, inter alia, the following was written:

  > Finally a delegation of the 28th Division, led by the Commander, headed for the Command of the 2nd Corps to make with the higher superiors adequate preparations for the liberation of Srebrenica and especially for its link-up with other parts of the free territory of RBiH. The fighters and the entire people of the free territory expect a lot from this trip. An entire part of the population with concern expects something to be done regarding the plan for the liberation of Srebrenica. Otherwise, there will be a new wave of departure of the most capable personnel regardless of their positions in civilian bodies of authority and the ARBiH. . . . A new part of training was conducted in all units. The first round called general training was completed, and the specialist round is currently ongoing. Problems concerning the training are connected to the food for the fighters. Everything regarding the food depends on the arrival of the UNHCR convoys. By taking food for the soldiers' training, the part of it intended for the people decreases and with that a new problem arises. . . . Our interpreter for communication with UNPROFOR accidentally accessed one document in which it was written that the UNPROFOR Command for the North-East, located in Tuzla, was informing its Command in Srebrenica that Brigadier Naser Orić was in Tuzla and that he was arranging for future combat operations in Srebrenica with the authorities in Tuzla and the 2nd Corps...[157]

17 May

- The security organ of the ABiH's 285th Žepa Brigade informed Brigadier General Enver Hadžihasanović and the Command of the 28th Srebrenica Division about the activities of Muslim troops from the officially demilitarized enclave, stating that a sabotage attack had been carried out in the sector of Sadikov Čajir on the Podžeplje-Han Pijesak road and that two VRS members were killed in it.[158]

25 May

- NATO warplanes violently bombed the general sector of Pale, which caused major damage to civilian facilities, but there were no fatalities. As a response to this bombing, the Serb forces shelled the UN-protected zones, one of which was Srebrenica.[159]

156 Sead Selimović and Izet Šabotić, *Monografija Drugog korpusa Armije BiH* (n.p. [no place]: n.p., 2017), 66.
157 Izvještaj o stanju morala za mjesec april 1995. godine, Komanda 2. korpusa Tuzla odjeljenje za moral, No.04-60/95, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
158 Izvještaj organa bezbjednosti 285. brigade upućen general Enveru Hadžihasanoviću, No.08-13-52/95, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
159 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 377, Archives of the RCIRZ.

June 3

- After the VRS requested from the UNPROFOR that it stopped the constant sabotage attacks, which were coming from the Muslim side from the enclave, on the road that was being used for the transportation of ore from a nearby mine, or that they relocate the UNPROFOR observation post, Serb forces took the observation post "E" on June 3. This act, taking of the observation post "E", caused harsh protests of UNPROFOR and the international community in BiH.

6 June

- Combats between VRS units and members of the ARBiH's 28th Division from Srebrenica intensified in the sector of Jasenovo.[160]

17 June

- The Commander of the ARBiH General Staff, Army General Rasim Delić, issued an order for the 28th Srebrenica Division and the 285thŽepa Brigade, worded as follows:

> Pursuant to a verbal order issued by the Commander of the GŠA [Army General Staff] of the RBiH [Republic of Bosnia and Herzegovina], Army General Rasim Delić, and on the occasion of the great success achieved by units of the ARBiH in the general sector around Sarajevo and Goražde, as well as on the basis of intelligence that the A/S [aggressor forces] Command of the 'Protection Regiment' in Han Pijesak is holding parts of its units in reserve to intervene in the event of an attack by our forces from Žepa, I hereby issue the following
>
> O R D E R
>
> 1. Complete all preparations in the Command of the 28th Div[ision] of KoV [Land Forces] for carrying out offensive combat activities with a view to liberating the territory of the RBiH, stretch the A/S out and inflict losses on them, coordinating action with the ARBiH forces carrying out combat activities in the general sector of Sarajevo.
>
> 2. Plan realistic tasks which will assure certain success, on the basis of an accurate assessment and the capabilities of our forces in Srebrenica and Žepa. The GŠA of the RBiH will regulate, by an order, the commencement of offensive combat activities in the zone of responsibility of the 28th div KoV.[161]

22 June

- Units of the ABiH 28th Division carried out a sabotage operation on the Kragljivode-Zeleni Jadar road in which four VRS soldiers were killed.[162]

160 Ibid, 382.
161 Naređenje komandanta glavnog štaba ARBiH Rasima Delića, 28. diviziji i 285. brigadi, No.1/825-84, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.
162 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 386, Archives of the RCIRZ.

23 June

- In accordance with the orders of the BiH Army's Main Staff, units of the 28th Division from Srebrenica intensified the carrying out of sabotage and reconnaissance operations deep in the Serb territory, killing three persons of Serb nationality in the sector of the village of Simići.[163]

27 June

- According to a Combat Report of the 28th Division, sent to the Command of the 2nd Corps of BiH Army, in the mid-morning, units of the 28th Division launched an attack in several directions in the sector of Karaula, Inter alia, around three companies of ABiH 28th Division's sabotage and reconnaissance units managed to directly endanger the Main Staff of the VRS. According to their estimates, they inflicted losses on the Serb side of 40 killed soldiers, one captured, and one wounded soldier, and they captured a large amount of material and technical equipment.[164]

30 June

- Major Ramiz Bećirević, representing the Commander of ARBiH's 28th Division, sent a report to the Department for Morale within the Command of the 2nd Corps, and the following was written in it:

> Fighters of the 28th KoV Division deployed in the Srebrenica and Žepa enclaves, despite facing big problems involving food supplies and their duties concerning the protection of the line of defense of the free territories under their control, have decided to contribute as much as possible to the ABiH in its struggle against the aggressor, and to that end they have intensified their activity deep inside the PZT [temporarily occupied territory] under the aggressor's control. During the course of reconnoitering the PZT, the 28th KoV Division's IDGs [Reconnaissance and Sabotage Groups] encountered the aggressor IDGs on multiple occasions and opened fire; the following results have been achieved during this period of reconnoitering:
>
> - 13 Chetniks were liquidated…
>
> - several dozen Chetniks were wounded
>
> Our casualties in these combat activities were 2 dead and 3 wounded fighters.
>
> 2. In order to prevent the enemy forces from sending additional troops from the Srebrenica and Žepa areas to the Sarajevo battlefield, two sabotage operations were carried out near Srebrenica - on 23 June 1995 in Osmače and on 23 June 1995 in Bijelo Stijenje near Koprivno - and the following results were achieved:
>
> - 7 Chetniks were liquidated…
>
> 3. In order to divert enemy forces from the Sarajevo battlefield and stretch them out towards Srebrenica and Žepa, on 26 June 1995, a number of successful sabotage operations were carried out at about 20 to 40 km deep inside the PZT under

163 Ibid, p. 387.

164 Borbeni izvještaj, No.2/2-13-484, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

the aggressor's control, at the following locations in the area of Han Pijesak and Vlasenica municipalities:

a) Višnjica settlement and Bajte stronghold

b) Crna Rijeka sector (monument by the crossroads)

c) Crna Rijeka sector (Bojčino Brdo)

d) Vrani Kamen feature

In all these locations, successful sabotage activities were conducted targeting exclusively enemy manpower, and the following results were achieved:

- According to our estimates, over 40 Chetniks were killed, although we have unconfirmed RI [Radio Reconnaissance] intelligence that the aggressor lost 71 soldiers.

- One enemy soldier was captured...

- Several dozen small and large livestock was captured

A large amount of ammunition was seized in the settlement of Višnjica, but due to the fighters' exhaustion, it was not possible to take much of it, but it was destroyed, as were all significant buildings that the aggressor could use for military purposes.

4. After these combat activities were carried out, the enemy increased the concentration of its troops around Srebrenica and Žepa, stopped sending new troops from these areas to Sarajevo, and transferred some forces from deeper inside their territory to outside Srebrenica and Žepa...[165]

2 July

- The Drina Corps Command issued the Preparatory Order OP No.1 which was sent to all units of the DK, with the exception of headquarters' support units, in order "to prepare for the upcoming actions". Up to this point, many have claimed that this order was a preparatory order for the execution of Krivaja 95, which is only partially true, because at the time of its issuance that was not its purpose, but instead that became its purpose only after the Order for active combat actions within the OP No.1 was issued under the code name Krivaja 95 by the DK Command that same day.[166]

5.July

- The President of the Srebrenica War Presidency, Osman Suljić, together with Ramiz Bećirović, who was representing the Commander of the 28th Division, sent a letter to Alija Izetbegović, Haris Silajdžić, Rasim Delić, and the Command of the 2nd Corps in Tuzla, as a result of a meeting between these two figures which had been held after they realized that VRS troops had started grouping around their enclaves. In the letter, inter alia, the following was stated:

165 Operativni izvještaj, pomoć boraca Srebrenice i Žepe AbiH upućeno odjeljenju za moral komande 2. korpusa Armije BiH, No.04-114/95, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

166 "Glava IV: Rad komande na pripremi i organizaciji b/d," in *Uputstvo za rad komandi – štabova* (n.p.: n.p., 1983), 46-47, items 85 and 86, 69-70, item 127.

> Inside the enclave and in its surroundings, the situation is explosive. Should your help, which we rightfully ask and expect, not be timely and efficient, it is possible that the people will head towards resolving their fate in accordance with their perception and at their own discretion, and that would certainly be a catastrophe for us and what would happen is something that the RBiH and the Muslim people inside it would least benefit from. We have the temerity to, on the basis of how you have acted on our requests, estimate the type and the nature of the fate intended for us in Srebrenica. We think that it is high time we look each other in the eye and openly tell each other the truth. The situation and the times demand it.[167]

6 July

- At 0430, VRS troops began carrying out an operation under the code name Krivaja 95 which laid out the plan for the separation of the officially demilitarized zones of Srebrenica and Žepa; the objective was to reduce the area in which the Muslim troops were operating to the actual town areas and, with that, to stop the IDGs and their operating deep inside Republika Srpska territory.[168]

9 July

- General Krstić (at the time still Chief of the Corps Staff) informed the General Staff, where, clearly, General Tolimir was at that point, but General Mladić was not, by telegram that the "immediate task" had been completed, and that the next task would be carried out very soon, and, with it, the operational objective of the Krivaja 95 would be accomplished as well. With this telegram, clearly exceptional in form and urgency, General Krstić reported that he had noticed unexpected changes on the ground, that opportunities were opening up for him to enter the town itself, and it is obvious that he expected to receive opinions on that and, possibly, consent to do so. In response, Tolimir conveyed the consent of the Supreme Commander Radovan Karadžić to the new decision of the DK Command to enter the town.[169]

10 July

- After the defeat of the counterattack by the forces of the 28th Division, all the forces of the Drina Corps which were engaged in the execution of Krivaja 95 essentially carried out the set task in the spirit of the order of the Commander of the Drina Corps. With this, the primary objective of Operation Krivaja 95 was achieved. In the morning of July 11, the Chief of Staff of the Drina Corps, Major General Radislav Krstić, orally issued tasks to subordinate units to continue the attack towards the town, with the mission of entering the town of Srebrenica.[170]

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167 Pismo ratnog predsjedništva Srebrenice, poslano Aliji Izetbegoviću, No.01-101/95, n.d., Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina.

168 "Hronologija događaja na prostoru bivše SFRJ 1989-1995," 390, Archives of the RCIRZ.

169 Izvođenje b/d oko Srebrenice, strictly confidential No.12/46-501/95, GŠ VRS, July 9, 1995, Archives of the RCIRZ, Banja Luka, Republika Srpska, Bosnia and Herzegovina. Radovan Radinović, *Vojna ekspertiza za Srebrenicu* (n.p.: n.p., n.d.), 31.

170 Vinko Pandurević, *Život se brani istinom* (Beograd: n.p., 2015), 528.

Acronym List

Acronym	Definition
A/S	aggressor forces (agresorske snage)
ABiH / ARBiH	Army of the Republic of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CK	Central Committee (Centralni komitet)
CSCE	Conference on Security and Cooperation in Europe
Div	Division
DK	Drina Corps (Drinski korpus)
EU	European Union
GŠ	Main Staff (Glavni štab)
GŠA	Army General Staff
HDZ	Croatian Democratic Union (Hrvatska demokratska zajednica)
HK	Herzegovina Corps (Hercegovački korpus)
IBK	Eastern Bosnia Corps (Istočnobosanski korpus)
ICTY	International Criminal Tribunal for the former Yugoslavia
IDG	Reconnaissance and Sabotage Group (Izviđačko-diverzantska grupa)
JNA	Yugoslav People's Army (Jugoslovenska narodna armija)
KoV	Land Forces (Kopnena vojska)
MP	Member of Parliament
MUP	Ministry of the Interior
N/R	deliver personally to (na ruke)
NATO	North Atlantic Treaty Organization
n.d.	no date
NDH	Independent State of Croatia (Nezavisna Država Hrvatska)
n.p.	no place *or* no publisher

OG	Operations Group (Operativna grupa)
OP	Operation
OS	Armed Forces (Oružane snage)
PLC	Public Limited Company
PZT	temporarily occupied territory (privremeno zauzeta teritorija)
RBiH	Republic of Bosnia and Herzegovina
RCIRZ	Repubika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons (Republički centar za istraživanje rata, ratnih zločina i traženje nestalih lica)
RI	Radio Reconnaissance (radio-izviđanje)
RS	Republika Srpska
SAO	Serb Autonomous Region (Srpska autonomna oblast)
SC	Security Council
SDA	Party of Democratic Action (Stranka demokratske akcije)
SDS	Serb Democratic Party (Srpska demokratska stranka)
SFR	Socialist Federal Republic
SFRY / SFRJ	Socialist Federal Republic of Yugoslavia (Socijalistička Federativna Republika Jugoslavija)
SJB	Public Security Station (Stanica javne bezbjednosti)
SK	League of Communists (Savez komunista)
SRK	Sarajevo-Romanija Corps (Sarajevsko-romanijski korpus)
TANJUG	Telegraphic Agency of the New Yugoslavia (Telegrafska agencija nove Jugoslavije)
TO	Territorial Defense (Teritorijalna odbrana)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force
USA	United States of America
VK	Supreme Command
VRS	Republika Srpska Army (Vojska Republike Srpske)

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CHAPTER V

Adenrele Shinaba

The Case of Srebrenica: Reconstruction – Criminal Investigation Perspective

1. Introduction

The significance, severity, and consequences of the events in Srebrenica in July 1995 deserve special consideration. The analysis of these events forms the backbone of this report. However, the events in Srebrenica must not only be regarded starting from 11 July 1995 onward, for they began much earlier than that. The ethnically-based conflict in that area has a long history. Every crime ever committed has victims, perpetrators, and causes that led to it. If we wish to comprehend the context of the tragedy that occurred in Srebrenica in July 1995, it is not sufficient to start the analysis with the events from 1992, as that is a very short span of time. It is extremely important to understand the dynamics of the bloody ethnic conflict that reached unprecedented depth, weight and proportions in the Srebrenica area in July 1995.

In this report, we have analyzed the events that followed after the Serb forces entered the Srebrenica enclave on 11 July 1995. It is a reconstruction of events based on available sources. A particular focus was placed on the aspects of the criminal investigation.

As it happened, the first investigators from the ICTY Prosecutor's Office arrived in Tuzla,[1] Bosnia and Herzegovina on 20 July 1995. The investigative team of the ICTY Prosecutor's Office had three key tasks. The first task was to determine what had happened in Srebrenica after the entry of Serb forces into the enclave. The second task was to exhume the graves and gather physical evidence. The third task of the investigation referred to finding the persons responsible for the crimes committed. Given the fact that a large number of people were killed during the war events in July 1995, the investigative team had a great responsibility to establish the facts in an objective manner and to gather evidence of the crimes com-

1 Jean-René Ruez, "The ICTY Investigations," in *Investigating Srebrenica: Institutions, Facts, Responsibilities,* eds. Isabelle Delpla, Xavier Bougarel and Jean-Louis Fournel (New York: Berghahn Books, 2012), p. 23.

mitted. This was a very complex investigation that required primarily an objective approach, an expert team consisting of a sufficient number of members that would be able to investigate all relevant aspects of events that occurred after the entry of Serb forces into the enclave, including the events that occurred during the breakthrough of the 28th Division of the BiH Army towards the territory under the control of the BiH Army. A comprehensive criminal investigation is essential to understanding the context of the events, the consequences, the number of victims, as well as those responsible for the crimes committed. Jean-René Ruez, a police commissioner from France, was appointed head of the ICTY Prosecutor's Office investigative team.

We have already mentioned that for a complex case such as the case of Srebrenica, in addition to objectivity and expertise, a sufficiently large team was needed, one that would be able to conduct a detailed investigation. We will not analyze the issue of objectivity and expertise now, assuming that we are not questioning the professional integrity of the team. The objectivity or partiality of the team will be confirmed or refuted by the facts we established during our research. However, here we will look at the capacities of the investigative team in terms of the number of people who were recruited in it. One of the more significant challenges was the limited human resources made available to the team. In general, the ICTY Prosecutor's Office, in terms of all crimes committed in the former SFRY for which the ICTY is responsible, had a minimum number of people, especially those with police experience, in relation to actual needs. Regarding this matter, the head of the ICTY's investigative team, Jean-Rene Ruez, said the following:

> If a single one of the crime scenes we are discussing had been in Paris, London, or New York, it would obviously have become an affair of state. In 1995, for example, there were three hundred Belgian investigators assigned to the Dutroux inquiry[2] alone. At the same time, there were only ninety people in the prosecutor's office, just thirty of them with police experience, to cover all criminal aspects of a conflict that had begun in 1992 and was ongoing at the time, since the war was not over then and nobody knew when it would end.[3]

When it comes to the number of members of the investigative team for crimes committed in Srebrenica, the situation was significantly less favorable. The investigation team had a very limited number of people, especially in the first years after the end of the war in Bosnia and Herzegovina. It had not been until 1998, as Jean-Rene Ruez stated, that a team had actually been formed, which might have been called an "investigative team" given its capacity.

2 On 13 August 1996, the Belgian police arrested Marc Dutroux, his wife Michèle Martin, and their associate Michel Lelièvre. They were accused of kidnapping and abusing six girls aged eight to 19, four of whom died. During the trial, numerous weaknesses in the police and judicial system were revealed which led to widespread public discontent. The investigation into these weaknesses resulted in institutional reforms in Belgium. For more details, see: Staelraeve Sofie and Paul t' Hart, 2008.

3 Ruez, "The ICTY Investigations", p. 31.

> Whether the head of a group leads two people or ten people, his role does not change. However, if he lacks sufficient resources or manpower, he will end up having to act as a one-man band instead of a conductor. In the beginning of this inquiry, I must confess, we had two rather than ten people. It was not until 1998 that the international court assembled what might reasonably be called an "investigative team" as defined by the ICTY—that is, a team that includes a coordinator, a judicial counselor, several investigators, analysts, a full-time interpreter and a secretary. As far as skills are concerned, they depend on the situation that is facing you.[4]

With this in mind, it was not until 1998 that the minimum conditions were created for a team of extremely limited capacity, in terms of members, to investigate the events related to Srebrenica. We emphasize that in a criminal investigation, the passage of time always has negative implications for the collection of physical evidence, as well as, most certainly, personal evidence, primarily in the form of testimonies of persons who participated in these events. Thus began, was led, and ended the investigation into the bloodshed in the Srebrenica region.

Before elaborating on the key aspects of the investigation, it is necessary to consider what the investigative team of the Prosecutor's Office was dealing with, that is, what their mandate was. The investigation did not deal with the causes of the enclave's fall and the events before July 11, 1995. Moreover, in accordance with international humanitarian law, the investigation did not "judge military combat or the fate of combatants," but instead it dealt with the fate of noncombatants, whether or not they were originally members of the military, that is, persons who were at the time no longer in a position to fight.[5]

This is a significant aspect of the investigation. Thus, in accordance with this interpretation, the ICTY Prosecutor's Office adopted the ICMP[6] list of missing persons as an official document containing the names of victims of the Srebrenica events, and according to the interpretation of the Prosecutor's Office and later the Court in its final judgments, 7692 persons[7] were officially accepted as victims, that is, as casualties who cannot be considered combatants, or who were no longer in a position to fight. There, precisely, emerges a great gap in the investigation by Ruez's team. The fact is that a significant number of persons that were in the column were captured and later shot. In accordance with international humanitarian law, these were persons who were no longer in a position to fight, and cannot be considered combatants regardless of their original military status (noncombatants). Ruez's team did not thoroughly investigate the number of captives. However, a significant number of persons that were in the column were killed in fights, clashes, or committed suicide, which we will

4 Ruez, "The ICTY Investigations," p. 30.
5 Ruez, "The ICTY Investigations," p. 25.
6 International Commission on Missing Persons. For more information, visit https://www.icmp.int/.
7 Helge Brunborg, Ewa Tabeau and Arve Hetland, *The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on the DNA-Based Identification*, (hereinafter: Brunborg et al., *The 2009 Integrated Report*), April 9, 2009, accessed September 20, 2020, https://srebrenica.sense-agency.com/assets/lasting-consequences/sg-7-01-ekspertski-en.pdf.

discuss in detail below. The position of these persons cannot be equated with the fate of the captives. They were in a position to fight, or *de facto* fought with Serb forces, which, in the military sense, had significant tactical superiority on the ground, although they had a much smaller number of combatants compared to the Bosnians the investigative team of the ICTY Prosecutor's Office did not have these crucial facts in mind nor was that the subject of their investigation. Such an approach led to an insufficiently and inaccurately established factual situation regarding the events in connection with Srebrenica in July 1995. Such a failure in the (non) conduct of the investigation was confirmed by an expert witness of the ICTY Prosecution, and one of the investigators from the team, Dušan Janc, who testified before the ICTY in the proceedings against Radovan Karadžić, the wartime leader of Serbs in Bosnia and Herzegovina. During his testimony, Dušan Janc stated that the investigation team had not conducted an investigation into the circumstances of the deaths of the persons on the ICMP list, which had been adopted by the ICTY as the official list of victims in the Srebrenica case. Furthermore, Janc said that the investigation team had done nothing more than what had also been done by the Demographic Department of the Prosecutor's Office, which had no authority to conduct the investigation. Therefore, the investigation into the circumstances of the deaths was never conducted.[8]

The consequences of such an approach are legal, political, and primarily historical, because they enabled the creation of a discourse on Srebrenica that projects the belief that only civilians, that is, persons who were not in a position to fight, were killed in those events. The events in connection with Srebrenica have a different background, and the task of this research is to describe, explain, and prove what really happened after Serb forces had entered the enclave, including the events that followed.

We will now return to three key aspects of the investigation of the ICTY Prosecutor's Office investigative team.

The first task of the ICTY investigative team was to determine what had happened in Srebrenica after Serb forces had entered the enclave. Witnesses to the event are the most reliable source of information. The ICTY investigative team did not conduct detailed interviews with these individuals, but instead, when it came to selecting key witnesses, it relied primarily on the support of the Bosniak police and the AID, the Bosniak intelligence service, that is, the security services of one of the parties to the conflict. Based on these data, the ICTY Prosecutor's Office investigative team selected the high-priority witnesses. In this context, Ruez stated the following:

> Furthermore, a huge effort to compile witnesses' accounts had been undertaken by the Tuzla police and AID, the Agency for Information and Documentation—that is, the Bosnian secret service. So we had to analyze this pre-existing data to select high-priority witnesses.[9]

8 *Prosecutor v. Karadžić*, Case No. ICTY IT-95-5/18-T, Cross-examination of Dušan Janc, Tr. 27031-32, March 28, 2012, accessed May 20, 2020, https://www.icty.org/x/cases/karadzic/trans/en/120328ED.htm.

9 Ruez, "The ICTY Investigations," p. 30.

Bosniak civilian and military security services conducted detailed interviews with witnesses to the events, persons who participated in the breakthrough. Those documents are valuable sources for the investigation into the events of July 1995 after the entry of Serb forces into the enclave. Documented interviews with witnesses are among the sources of high reliability. First, we assess the significance of these documents from the aspect of the body that took the statements, and those are, as stated, the Bosniak security bodies. By the nature of things, they were very interested in finding out what had happened to the 28th Division of the BiH Army during the breakthrough. Furthermore, we assess the significance of these documents from the aspect of the interviewees. They participated in the events and their knowledge and descriptions of the events are extremely important. The third aspect relates to the time when the statements were taken. Most of the statements were taken from witnesses immediately after the breakthrough or shortly thereafter. This indicates the authenticity of the content and the description of details that are freshest during the period right after the event. The significance of these original documents lies in the fact that these are the first, most credible statements, which were not burdened by forgetting or by changes in their content due to witnesses being influenced by third parties seeking, for various reasons and motives, to influence the course of criminal proceedings before the ICTY. There are also statements, though a significantly smaller number of them, originating from witnesses to the events, which were taken by members of Republika Srpska Ministry of the Interor and the ICTY investigators. The statements of witnesses who survived the breakthrough and the shootings represent the most valuable documents for the reconstruction of the events of July 1995. These documents are the basis for the investigation and should be transparent and accessible to international experts and the general public. These statements contain crucial information on the basis of which we can largely get a credible picture of the events that took place after the entry of Serb forces into Srebrenica in July 1995. The fact is that Bosniak civilian intelligence services as well as military security authorities took statements from most persons, persons that were in the column, who managed to break through to Tuzla. We can justifiably ask the head of the investigative team, Jean-René Ruez, and his team as a whole, whether they requested access to all the statements and if so, where are they now and why were they not used in such a significant investigation? Finally, why are they not available to the public?

The Commission sent a request for access to information to the competent institutions in Bosnia and Herzegovina, which should have the documentation in their archives, with a clear request to make them available to the Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region (hereinafter: Commission). However, the answers that were received deny the existence of such documentation, that is, we received answers that they are not competent, or that they are not able, or that they do not want to act upon the submitted request.[10]

10 Sarajevo Directorate of Federal Police, Federal Ministry of the Interior, Federation of Bosnia and Herzegovina, Bosnia and Herzegovina, *Decision* [original name: Federalna uprava policije Sarajevo, Federalno ministarstvo unutrašnjih poslova, Federacija Bosne i hercegovine, Bosna i Hercegovina,

Only a small part of that documentation is in the ICTY archives. It consists of transcripts of interviews with persons who participated in the breakthrough that were made in the local language and we did not manage to find the English translations of these documents,[11] nor were we able to establish that these statements had been used in proceedings before the ICTY[12]. We can note that Jean-René Ruez with such a small team objectively could not conduct detailed interviews with all potential witnesses, and that the Bosniak security authorities had a great influence in the selection and preparation of potential witnesses who testified before the ICTY. Jean-René Ruez puts it this way:

> When we arrived in the area at the end of July, we had thus identified a population of 1,200 potential witnesses, with half-page to one-page interview summaries available for each of them. To reconstruct the facts, you have to approach them from several directions at once, beginning with what happened at Potočari on 12 and 13 July. Potočari is crime scene number one. Next, we need to know what was happening during the forced transfer. In reality, there are hundreds of situations, hundreds of eye-witnesses and events. Next, there are those who survived in the woods and crossed the lines on their own before winter 1995. Finally, there is the very small number who survived the mass executions.[13]

Jean-René Ruez rightly talks about the different dimensions of the event, that is, the different areas that the investigation team had to focus on. We particularly emphasize the category of witnesses, those who "survived in the woods and crossed the lines on their own before the winter of 1995." Precisely that aspect was not processed, and that gap hides the circumstances of what happened in the column during the breakthrough. Ruez's team did not have that in mind and no attention was paid to this important issue in their investigation. In it lie the answers to a number of questions to which, inter alia, we give answers in this research report. These questions are extremely important because they take us back to the mandate of the ICTY investigative team, which investigated exclusively civilian victims, while those

Rješenje], No. 09-45-1-653/20 (formal communication), March 30, 2020 ; Bosnia and Herzegovina, Federation of Bosnia and Hercegovina, Tuzla Canton, Ministry of Interior, Poliice Department Tuzla, *Notice* [original name: Bosna i Hercegovina, Federacija Bosne i Hercegovine, Tuzlanski kanton, Ministarstvo unutrašnjih poslova, Uprava policije Tuzla, Obavijest] No. 08-06/3-1-03.2-3-1043/20/kn (formal communication, n.d.); Srebrenica-Potočari Memorial Center and the Cemetery for the Victims of the 1995 Genocide, *Response to your request* No. 08/4.01/773-75-165/18 (formal communication, n.d); Bosnia and Herzegovina, Federation of Bosnia and Hercegovina, Federal Pension and Disability Insurance Institute, *Notice* [Bosna i Hercegovina, Federacija Bosne i Hercegovine, Federalni zavod za mirovinsko i invalidsko osiguranje, Obavijest], No. FZ1/3-04-7-152-2/20 (formal communication), April 14, 2020); Bosnia and Herzegovina, Federation of Bosnia and Hercegovina, Federal Ministry of Defense, *Decision* [original name: Bosna i Hercegovina, Ministarstvo odbrene, *Rješenje*], No. UP –I-14-35-2-10-4/20. n.d.; Republika Srpska Ministry of Justice, Centre for the Research of War, War Crimes and the Tracing of Missing Ministry of Justice Persons, *Request for the provision of information*, [original name: Republika Srpska, Ministarstvo pravde, republički centar za istraživanje rata, ratnih zločina i traženje nestalih lica, Zahjtev za ustupanje informacija], No. 08/4.01/773-75-162/18, February 27, 2020.

11 The specified statements were translated into English at the request of the Commission.

12 Exept for the statements of the persons who survived the mass execution.

13 Ruez, "The ICTY Investigations," p. 30.

who were killed in the fighting were not the subject of their interest. Regarding precisely those unexplained circumstances, Ruez (wrongly) notes the difference between the military and the civilian part of the column:

> This column reached the road intersection located at Konjević Polje. With the soldiers leading, around eight thousand crossed this sector in the evening of the 12th. I will say nothing further of the fate of this military column because it is not part of the inquiry: six thousand of them joined the Bosnian forces after breaking through the lines near Zvornik on 16 July, an episode that belongs to military history, not to the criminal record. Since we are unable to prove that they were murdered, those killed while seeking to flee the enclave must be considered as combat deaths and so are not counted among the victims who were executed while being held by the Army of the Republika Srpska.[14]

In addition to the erroneously established factual situation that eight thousand people crossed the Konjević Polje-Nova Kasaba road on the evening of July 12, 1995, and that they continued moving towards Tuzla[15], regarding that part of the column and the casualties, Ruez believes that these were soldiers that were killed in the breakthrough, and states that 6,000 of them arrived in Tuzla on July 16. According to him, the rest of the column that did not break through to the territory under the control of the BiH Army consisted of civilian victims. That claim is controversial and it is the subject of our research. It is necessary to investigate what was not investigated by the ICTY Prosecutor's Office team, and that refers to the questions of who made up the column and what was happening in it during the breakthrough from Šušnjari/Jaglići to the territory under the control of the BiH Army, more precisely, to Nezuk near Tuzla. The fact is that people lost their lives, and that has been established, but what remains largely undetermined are the circumstances of their deaths. Considering that aspect, the preliminary investigation led to reliable findings that the participants in the column that broke through from the area of Srebrenica to Tuzla were killed in various ways. In addition to those killed in the mass shootings, a significant number of them were killed in battles with Serb forces during the breakthrough. A number of persons that were in the column were killed in clashes between members of the 28th Division of the BiH Army. Moreover, in the collective panic that ensued in the column during the breakthrough, a certain number of persons in the column committed suicide. The categorization of the victims with regard to the circumstances of death is important because, in addition to those executed, a large number of persons in the column died while fighting, so their status should be treated in accordance with the context of the event. The focus in this reconstruction of events was to determine the circumstances of deaths and particularly to reach an approximate estimate of the number of captured participants in the breakthrough who were killed in mass shootings. The analysis of

14 Ruez, "The ICTY Investigations," p. 25.

15 This happened during the night of July 13 and the estimate of eight thousand is incorrect. Early in the morning of July 13,1995, from 04.00 to 08.00 hours, units of the 28th Division of the BIH Army crossed the Nova Kasaba-Konjević Polje road.

losses is an important segment of this report. We analyzed the lists of victims and other documentation in order to gain an insight into the number, gender, and age structure of the victims, as well as their status, that is, whether they were members of a military formation or civilians.

The second task of the ICTY investigative team was to exhume the graves and gather physical evidence. Ruez mentioned forensic investigations as one of the pillars of the overall investigation. He said the following regarding the significance of the exhumations of the victims:

> Three kinds of expertise are required to manage a project of this type. First are the medico-legal experts, who manage all aspects of exhumation, which is unfortunately a fundamental dimension of this case. In addition to what is called the "scientific police" analysis of the execution sites, each crime scene is a gigantic mass grave. Without a body, you have no crime, and this inquiry began as a crime without any bodies.[16]

A significant part of the ICTY investigation concerned locating and identifying missing persons. On the basis of the forensic analysis of the victims' bodies (body parts), one finds evidence that a crime was committed. On behalf of and for the account of the ICTY, this task was entrusted to ICMP, which is essentially a DNA laboratory and its mandate is to identify missing persons based on DNA samples. Also, even though the forensic anthropological aspect is crucial for the investigation, in this report we did not deal with this issue, as it is beyond the scope of our expertise. For this aspect of shedding light on the events, we refer to the findings of the forensic anthropological team of the Commission, that is, to experts who are qualified in determining forensic connections between primary and secondary graves containing the remains of victims of the Srebrenica events. However, here we will look at the issue of exhumations in the context of the investigation. We shall once again refer to the mandate of the investigative team. As was previously mentioned, the investigation did not "judge military combat or the fate of combatants," but instead it dealt with the fate of non-combatants, regardless of whether or not they were originally members of the army, that is, persons who were no longer in a position to fight.[17]

Forensic experts examine the exhumed bodies and determine the possible cause of death. Determining the circumstances of death, that is, whether those injuries were caused by shooting, sustained in combat, or under different circumstances, is not the competence, nor the expertise, of forensic experts, but of the persons who conduct a criminal investigation. Objects found in graves are most certainly important, particularly when those objects are fired bullet casings, fragments of mines and explosives, as is the position of the body, ligatures, and so forth. They indicate the possible context of how the death occurred, but this must be checked and proven through investigative actions conducted by qualified criminal investigators.

16 Ruez, "The ICTY Investigations," p. 31.
17 Ruez, "The ICTY Investigations," p. 25.

The ICMP does not have a mandate to investigate the circumstances of deaths, and the investigation team did not investigate the circumstances of deaths, even though it was competent for that. All the victims, regardless of the circumstances of their deaths, were classified by the Prosecutor's Office in the same category, that is, they were classified as if they died as noncombatants, in other words, persons who were no longer in a position to fight. In the ensuing proceedings, the ICTY Prosecutor's Office and the very Court adopted the ICMP list as relevant, that is, as the list of war crimes victims. Those who were combatants, who fought or were in a position to fight, were equated with those who were not in that position, that is, those who were prisoners of war that were later killed in mass executions.

Forensic experts who carried out the exhumations and who later testified before the ICTY stated that they were never informed by the Prosecutor's Office that those persons were killed in any other way than by shooting. Furthermore, they testified that based on their expertise, they could not determine the circumstances of deaths, but only the nature of the injuries. To support these claims, here we refer to the testimony of an expert witness for the Prosecution, Richard Wright,[18] a forensic pathologist who was cross-examined in the *Popović et al.* case, as well as the testimony of forensic pathologist Dr. Christopher Lawrence, who testified in the same case as an expert witness in the Tribunal's Prosecution.[19] Furthermore, to support this claim, here we also refer to the testimony of William Haglund, a forensic pathologist, who testified in the Karadžić case.[20] There is also the testimony of Thomas Parsons, Director of Forensic Sciences at the ICMP, who testified in the Karadžić case, and who clearly indicated that the ICMP was not competent to determine the circumstances of deaths and that the circumstances of deaths were not a factor in the drawing up of the ICMP's list of missing persons.[21]

The third task in the investigation of the ICTY investigative team was to find persons responsible for the committed crimes. Ruez stated that at the beginning of 1998, they had started "hunting for perpetrators."[22] When it comes to the perpetrators, the identification of the participants in the events, and their responsibility, the Prosecution Office's investigative team relied on the military analysis of Richard Butler, a US military expert who was the Prosecution's main witness regarding the military aspects of the events in connection with Srebrenica.[23] Military analysis is a significant part of the investigation because it gives answers

18 *Prosecutor v. Popović et al.,* Case No. ICTY IT-05-88-T, Testimony of Richard Wright, Tr. 7463, 7458, 7490, 7491, February 21, 2007, accessed May 20, 2020, https://www.icty.org/x/cases/popovic/trans/en/070221IT.htm.

19 *Prosecutor v. Popović et al.,* Case No. ICTY IT-05-88-T, Testimony of Christopher Lawrence, Tr. 7519, 7521, 7528, February 21, 2007, accessed May 20, 2020, https://www.icty.org/x/cases/popovic/trans/en/070221IT.htm.

20 *Prosecutor v. Karadžić,* Case No. ICTY IT-95-5/18-T, Testimony of William Haglund, Tr. 23943, 23953, 27057, 27088, January 31, 2012, accessed May 20, 2020, https://www.icty.org/x/cases/karadzic/trans/en/120131IT.htm.

21 *Prosecutor v. Karadžić*, Case No. ICTY IT-95-5/18-T, Testimony of Thomas Parsons, Tr. 26633-26634, March 22, 2012, accessed May 20, 2020, https://www.icty.org/x/cases/karadzic/trans/en/120322ED.htm.

22 Ruez, "The ICTY Investigations," p. 31.

23 Ruez, "The ICTY Investigations," p. 31

to questions about the deployment of military units, as well as the role of participants in these events and their responsibilities. These facts were mostly (rightly or wrongly) established during the criminal proceedings before the ICTY. Regarding the military aspects of the VRS Operation Krivaja 95, we here refer to the report made by the Commission's military experts.

The next segment from which the Prosecutor's Office investigative team "drew" information regarding the perpetrators are transcripts of radio communications intercepted by the BiH Army during the operation of the Army of Republika Srpska under the code name Krivaja 95. Regarding that matter, Ruez, the head of the Prosecutor's Office investigative team, said the following:

The next step was to analyze transcripts of the radio communications intercepted by the Army of the Republic of Bosnia-Herzegovina. These transcripts are helpful in reconstructing the facts and in identifying which units were involved, allowing us to trace who played what role in the chain of command and thereby identify perpetrators.[24]

The handover of documents of the intercepted radio communications that were in the possession of AID (Agency for Investigation and Documentation), the Bosniak intelligence service, was requested by the ICTY Prosecutor's Office officially on November 13, 1996.[25] The Bosniak side did not respond to the request until March 1998, when on March 24 and 25 they delivered 135 volumes, transcripts, and 19 reel to reel tapes, audio recordings of intercepted conversations, to ICTY Prosecutor's Office representatives. A year later, on March 24, 1999, at the request of the Prosecutor's Office, the Bosniak side submitted to it 57 volumes, transcripts of intercepted conversations that had initially remained in their possession after the visit of the Prosecutor's Office representatives that had taken place in March 1998.

Regarding this important documentation, we ask the following questions: Why did it take the Bosniak security services a year and four months to submit the requested transcripts to the Prosecutor's Office?[26] Why did the investigative team request transcripts and not the original audio recordings that would be accurately transcribed by an impartial investigative team? Why did the Prosecutor's Office not ask for audio recordings and transcripts from the intelligence services of certain NATO member states, bearing in mind their significant intelligence capacities and the great extent to which Bosnia and Herzegovina was covered with SIGINT[27] during the war? Why was the documentation of only one party to the conflict used?

Through our investigation we were unable to determine the reasons for the late submission of transcripts, but we can state that the party in question, a party to the conflict, was motivated to present its interpretation of events, and that we can assume that changes to the contents of transcripts could have been made in accordance with the interests of one party

24 Ruez, "The ICTY Investigations," p. 32.

25 Declaration of Jean-René Ruez outlining requests made by the office of the prosecutor for intercept material, ICTY 0200867, Archives of the RCIRZ [*Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons*], Banja Luka, Republika Srpska, Bosnia and Herzegovina.

26 The remaining transcripts were submitted even later.

27 Signals intelligence (acronym: SIGINT) is intelligence-gathering from communications and information systems.

to the conflict, in this case, the Bosniak party. The ICTY investigative team did not verify the authenticity of the transcripts, but instead it used them in the investigation as a source of high reliability. The role of participants on the ground, as well as their responsibilities as perpetrators of crimes for which they were accused and later convicted by the ICTY, were determined on the basis of these transcripts. Accordingly, the proceedings before the ICTY were a basis for the creation of a widely accepted discourse on the events surrounding the fall of Srebrenica.

The aim of this reconstruction of the events of July 1995 in the Srebrenica area is to answer the golden questions of criminology to the extent possible, bearing in mind the time distance and available sources, in order to get a clear picture of these events.

- **What** (happened). It is crucial to answer the question of what happened in Srebrenica and other locations during the breakthrough. Thus, this concerns the circumstances of deaths. In that sense, it is necessary to determine the number of residents in the Srebrenica enclave in 1995, then to make an assessment of the number of people who were in the column during the breakthrough, as well as the number of people who were evacuated after the Serb forces entered the enclave in Kladanj, a territory that was under the control of the BiH Army. In that context, it is necessary to determine the approximate number of people who died in combat against the Serb forces along the breakthrough line. Furthermore, there are also people who were killed in clashes between members of the 28th Division during the breakthrough, and also persons who committed suicide. Above all, it is important to determine the circumstances of the capture and mass shooting of prisoners of war.
- **Where** (did it happen). In the reconstruction of the events, it is necessary to determine the sites where deaths occurred, that is, the exact locations along the breakthrough line from Šušnjari/Jaglići to Tuzla. Furthermore, it is particularly important to determine the locations where persons who were in the column were captured, the locations at which they were detained and killed, and the locations of mass graves.
- **When** (*tempore criminis* or the exact time of the criminal act). The exact time of an event is significant for determining the overall context of the events. In order to determine the events in connection with Srebrenica, it is necessary to consider two different periods, that is, the period from July 11 to 19, 1995. We refer to this period as the "critical period", bearing in mind the fact that the Army of Republika Srpska entered Srebrenica on July 11, 1995. Also, by July 19, 1995, most of the surviving members of the 28th Division of the BiH Army broke through the demarcation lines and crossed over to the territory under the control of the BiH Army. On the other hand, there are people who died before and after the critical period, and in a narrower sense, we cannot observe them in the context of these events.
- **How** (modus operandi or how did it happen). This refers to the circumstances of deaths. In general, there are several categories of persons who died under different

circumstances. Chronologically speaking, once the column started to break through, a large number of the persons in it were killed in armed combat against the Army of Republika Srpska. We have established that there was also armed combat between the members of the 28th Division, between those who agreed to surrender and those who fiercely opposed it and who, out of revenge, shot at those who decided to surrender. The second group consists of captured members of the 28th Division who were victims of mass shootings. The third group consists of persons who committed suicide in the column, while the fourth group consists of situational, individual killings of persons in the column, which occurred mainly during surrendering or during captivity.

- **With what** (what were the means used by the perpetrator(s) to commit the crime). This refers to whether they were killed with firearms, mines and explosives, or they died as a result of injuries, as well as whether they died in some other way, such as by committing suicide using firearms, hand grenades, hanging themselves, and so forth.
- **Who** (did it) and with whom (who were the accomplices that aided the main perpetrators, if any). This refers to the perpetrators, that is, the military and police units that participated, as well as the command staff, direct perpetrators, and so forth. The ICTY investigative team was engaged in this investigation, from military analysis to the analysis of transcripts of intercepted conversations of participants in these events on the ground, in order to determine their role in these events.
- **Why** (the motive). In general, the motive for war operations is to defeat the enemy. Was the motive of the military operation of the Army of Republika Srpska Krivaja 95 the annihilation of an entire ethnic group? If so, can we ask the question why the civilians were evacuated, and the able-bodied population that refused to surrender to the Serb forces and which formed a combat formation was killed?
- **Who** (is the victim). This is the answer to the key question. Who are the victims? It is particularly important to determine their number, gender, and age, as well as their status, that is, whether they were members of the army or civilians. Of great importance for shedding light on the events in connection with Srebrenica is the total number of victims on the list of the ICMP, the Srebrenica-Potočari Memorial Center and the Cemetery for the Victims of the 1995 Genocide (hereinafter: Srebrenica Memorial Center). Furthermore, equally important is the number of persons who disappeared during the critical period, as well as the number of persons who disappeared outside the critical period, and the number who are on the lists and who cannot be linked to the events of July 1995 because those persons on those lists had died earlier, in 1992, 1993, 1994, or before July 1995, and are listed as victims that died in July 1995. It is critically important to determine the number of able-bodied persons who died. Determining the exact list of victims and determining the circumstances of deaths are the core of the reconstruction of the events.

2. Methodology and Content

In the methodological sense, the paramount task was to determine the sources on the basis of which it is possible to reconstruct the event. The most important criterion we have determined is that the primary sources are the most relevant for this research. They represent the documentation on the basis of which the reconstruction of the events related to Srebrenica was made. We relied to a lesser extent on secondary sources, and only where necessary, primarily on the information contained in the ICTY judgments. We did not use scientific papers, monographs, books, and reports on Srebrenica as documentation for the reconstruction of the actual events. In instances in which they were used, they were merely a part of a broader elaboration of the issues we addressed.

After going through extremely extensive documentation, the next problem was the selection of primary sources, that is, documents that contain important information about the events. We have been guided by the principle that the documents we were to use had to be of high reliability. We believe that under this criterion primarily fall those documents that were created during or immediately after the events, or at least those that were not made long after them. The second criterion referred to the source that compiled the documentation. The most relevant are the sources compiled by the parties to the conflict. Therefore, these are mostly documents drawn up by the military or civil security authorities of the parties to the conflict, or of the parties that observed the conflict and whose representatives had information from the ground. The third, and also the most important criterion, was that the documents contained information about events originating from the participants in the event themselves.

The documents we used are in the ICTY archives, as well as in Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database. In this multitude of documents, the most valuable ones for the reconstruction of the event are the statements of the survivors from the column. Among other documentation, these statements were analyzed according to the criteria of time and place of the event. Every aspect of these events is supported by the statements of several participants – witnesses. Based on this approach, it is possible to obtain fairly complete information about what happened in the column during the breakthrough.

The essential documentation for the reconstruction consists of witness statements taken by Bosniak security services, which conducted interviews with the survivors of the breakthrough. Most of the documents were classified as confidential during the war.[28]

28 The documentation is in the archives of the ICTY and the archives of Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons. Each page of each document carries its ICTY number. When referencing such documents, we listed the number of the first page only, so that the interested readers could check their authenticity using that number. Those documents are available to the public.

Furthermore, we used the statements of the survivors of the events, which were recorded by the ICTY Prosecutor's Office investigators as well as members of the Republika Srpska Ministry of the Interior.

From this multitude of documents, we tried to select the most important ones and to present them in a clear and understandable way, so that every interested reader could easily check the cited sources and the validity of the stated facts. These sources are of primary importance for the work on the analysis of the lists of victims of these events.

This approach is necessary due to the high sensitivity of the subject. We are aware that the results of this research will "stir up" the public – starting from political elites, families of victims, media, various associations, and so forth. This research primarily aims to objectively and systematically investigate the events that occurred after the entry of Serb forces into the Srebrenica enclave. Moreover, the intention is to present hitherto lesser known facts, or those largely unknown to the international public, about the events of July 1995 in the Srebrenica area. In addition to these tragic events, we have shown, to the extent possible, the suffering of all peoples in the area from 1992 until the end of the war in 1995.

The documentation is systematized into five sections.

In the first section, we analyze the events of July 11, 1995, after the entry of Serb forces into the enclave. The focus in this chapter is on the formation of the two columns, one consisting of civilians heading towards the United Nations (UN) base in Potočari, and the other one consisting of members of active and reserve troops of the 28th Division of the BiH Army that started to break through towards the territory under the control of the BiH Army.

The second section deals with the occurrences during the breakthrough of the 28th Division of the BiH Army through the territory under the control of the Serb forces. We divided the route along which the column was moving into two parts. The first part of the route is from the starting point in the villages of Šušnjari and Jaglići to the Nova Kasaba-Konjević Polje road. The second part of the route is from the Nova Kasaba-Konjević Polje road to the territory under the control of the BiH Army. Special attention was paid to the circumstances of deaths that occurred during the breakthrough.

The third section deals with the issue of prisoners of war. Capture locations were analyzed here and an estimate of the number of captured persons from the column was made, as were the situational killings that occurred during the capture. A particularly significant part of the chapter deals with the mass shootings of prisoners. Furthermore, in this section, we dealt with the situational killings after the breakthrough, as well as the status of the surviving prisoners of war in the "Batković" camp.

The fourth section deals with the assessments of the number of victims in the Srebrenica case. In this regard, estimates were made of the population in the Srebrenica enclave in July 1995, which was followed by analyses of the gender and age structure of the missing and

the dead, as well as the time of their disappearance, while their status was analyzed based on available documentation with regard to whether they were members of the army or civilians. Moreover, in this section, analyses and estimates of victims of mass shootings were made in relation to the total number of victims who died under other circumstances. Additionally, an analysis of victims who died during the Army of Republika Srpska Operation Krivaja 95 was made according to their ethnicity. At the end of the section, the lists of missing/dead persons from the International Commission for Missing Persons (ICMP), the ICTY Office of the Prosecutor, and the Srebrenica Memorial Center were analyzed in order to determine their completeness and accuracy.

3. Column/Breakthrough – Military Formation

Based on the analysis of available sources, we will provide an overview of the condition of the ARBiH (Army of the Republic of Bosnia and Herzegovina) 2nd Corps 28th Division,[29] which started a breakthrough on 11 July 1995 (in a military column formation) from the Srebrenica area towards Tuzla, that is, towards the ARBiH-controlled territory. Before elaborating on the nature of the column, we will look at the general demographic indicators in the Srebrenica enclave. According to the document delivered by the President of the Srebrenica Municipal Presidency, Fahrudin Salihović, to the Bosnia and Herzegovina Agency for Statistics,[30] the total number of residents in the Srebrenica Municipality in January 1994 was 37,255. Out of that number, 9,791 were local residents from Srebrenica; 10,756 were local residents displaced from their homes within the Srebrenica Municipality; and 16,708 residents exiled from other municipalities in Podrinje.[31] The number of residents in the enclave was getting smaller due to the emigration caused by the difficult conditions and the general social (in)opportunities. There is no official data, but it can be assumed that the number of residents in the enclave until July 1995 was around 35,500. After the fall of Srebrenica on 11 July 1995, around 23,000 civilians[32] gathered in the area in front of the United Nations (UN) base in Potočari, and a certain number within the base itself. That group of civilians, mostly women, children and the elderly, were evacuated to Kladanj on 12 and 13 July, an

29 An earlier name of this combat unit is the 8th Operative Group "Srebrenica". Based on the RBiH Presidency Decision dated 24 October 1994, the ARBiH 2nd Corps 28th Division was formed. That is the time period when Srebrenica was "demilitarized" according to UN Security Council Resolution No. 819, and the time period when UN peacekeeping forces with the task of implementing the Resolution on the ground were deployed in the Srebrenica safe area (See Pavlović, *Battle for Srebrenica,* 2018).

30 Srebrenica Municipality, Bosnia and Herzegovina Agency for Statistics, *Data on the number of inhabitants in the territory of the Srebrenica Municipality* [original name: Opština Srebrenica, Zavod za statistiku Republike Bosne i Hercegovine, Podaci o broju stanovnika na području opštine Srebrenica], January 11, 1994, No. 01-06/94. Archives of the RCIRZ.

31 The document containing the cited data suggests that it should be kept for internal use only, considering that the number of inhabitants being cited before international organizations is 45,000.

32 Central Intelligence Agency (hereinafter: CIA), *H/W Support Cable for European Brief OCPAS EUR 95/165 for 18 July 1995*, accessed April 20, 2020, https://www.cia.gov/library/readingroom/document/0000444666.

ARBiH-controlled territory. The evacuation of the civilians was carried out according to an agreement reached between the UN representatives, the representatives of the civilian authorities in the enclave, and the Commissioner for Civilian Affairs in Srebrenica, representing the Serb side[33] after the VRS had entered the enclave. The evacuation was agreed upon and carried out as per the request of the representatives of the UN and the Bosniak civilian population. Apart from the civilian population (women, children, and the elderly), there was a certain number of combat-capable men in front of and within the UN base in Potočari who had sought protection from the peace forces. The number recorded in the UN report was 239, while 60 persons refused to state their names. Those persons are reported as missing – and were presumably killed by the Serb forces.[34] We were able to determine that one of those persons was transferred to the camp in Batković and later exchanged.[35]

Based on those indicators, it can be presumed with reasonable certainty, considering eyewitness statements, that the column breaking through towards Tuzla consisted of around 12,500 people.

In order to gain some insight into the combat-capable population of the enclave and estimate the number of people who had joined the breakthrough effort from the staging area, we will look at the relevant sources about the strength of the Division prior to July 1995 and the strength of combat units within the Srebrenica enclave. To name a few:

> In the Srebrenica Armed Forces Staff document marked as "Military Secret – Strictly Confidential", no. 664/93 dated 19 September 1993, delivered to the ARBiH 2nd Corps command by the Security and Intelligence Affairs Chief Nedžad Bektić, it is stated that the strength of the units in late 1992 was 10,913 men.[36]

In the monograph of the ARBiH 2nd Corps 28th Division of the Ground Army, it is stated that the number of fighters in 1992 was around 9,350, and in 1993 it increased to 11,400. After the demilitarization, the number was reduced to 5,700 men, which is what it was in 1994. In 1995, the 28th Division had 6,011 men in active service.[37] Following the breakthrough to

33 .Statement of representatives of civilian authorities in the Srebrenica enclave regarding the realization of the agreement on evacuation of the civilian population of the enclave [translated from BSH for the Commision], Republika Srpska, Commissioner for Civilian Affairs in Srebrenica, No. 07-27/95, ICTY 00845445, July 17, 1995. Sarajevo. Archives of the RCIRZ.

34 United Nations General Assembly, *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica*, November 15, 1999, p. 74, accessed April 21, https://peacekeeping.un.org/en/report-of-secretary-general-pursuant-to-general-assembly-resolution-5335-fall-of-srebrenica-a54549.

35 Statements of Ibran Mustafić given to the ICTY Investigators, February 18, 2001 and March 20, 2001, ICTY 02015277, p. 5, Archives of the RCIRZ.

36 Republic of Bosnia and Herzegovina, Srebrenica Armed Forces Staff, *Submission of data on the review of the formation structure of the Srebrenica Armed Forces in the previous period* [Republika Bosna i Hercegovina, Štab oružanih snaga Srebrenice, Dostava podataka o pregledu formacijskog ustrojstva OS Srebrenica u proteklom periodu], No. 664/93, September 19. 1993, Archives of the RCIRZ.

37 Army of Bosnia and Herzegovina, 8th Operational Group Srebrenica, 28th Division of the Ground Army,

the Tuzla Canton territory, the 28th Division was consolidated. In August 1995, the Commander of the ARBiH Main Staff conducted a review of the units. There were 3,634 active service members present,[38] seeing as the division had suffered considerable losses during the breakthrough to Tuzla.

A document with the designation "Military Secret – Strictly Confidential" drafted on 4 May 1995 by the ARBiH 2nd Corps 28th Division Command about the evaluation of the morale in the 28th Division's ranks contains data on the number of active members of that military unit. The document reads:

> Poor logistical supplies have a negative effect on the morale, particularly the lack of food, clothing and footwear. We are extremely distraught by the fact that the army is completely naked and barefoot, and we have no ability to help them. We received about 700 uniforms in a couple of shipments from the General Staff of ARBiH, but we have not been able to make a distribution plan without causing a general revolt. How do we distribute 700 uniforms among 6,200 men without causing general revolt and decimating the combat morale?[39]

An important document regarding the number of military conscripts in Srebrenica is the report addressed to the Ministry of Defense, the Secretariat of Defense in Tuzla by the Defense Department Chief in Srebrenica Suljo Hasanović on 1 June 1995. An excerpt from the report reads:

> We would like to take this time to address the Secretariat once more and again ask for specific assistance in creating an index of military conscripts and MTS[40], as well as reemphasize that the reason why we do not have an index is because we do not have any prescribed forms to create an index. We understand that the situation is such that delivering the forms to us is difficult, seeing as there are 12,000 V/O[41], which is a considerable number. I would like to take this time to insist, if possible, to be sent the prescribed forms to create an index for 15,000 conscripts. Working with lists is extremely difficult, rather untimely, and inaccurate, so we are in need of your assistance.[42]

Monograph [Armija Bosne i Hercegovine, 8. Operativna grupa Srebrenica, 28. divizija kopnene vojske, Monografija], ICTY 0312626, (hereinafter: ABiH, *Monografija*), Archives of the RCIRZ , p. 13.

38 ABiH, *Monografija*, p. 4.

39 ARBiH 2nd Corps 28th Division Command, "Military Secret – Strictly Confidential", No. 04-72/95, Assessment of the moral condition in the units of the 28. Division [original name: Armija Republike BiH, Komanda 28. divizije, str. pov. br. 04-72/95 Srebrenica, Procjena stanja morala u jedinicama 28. divizije], May 4, 1995, Archives of the RCIRZ.

40 Material and technical supplies, material.

41 Military conscripts.

42 Republic of Bosnia and Hercegovina, Federation of Bosnia and Herzegovina, Ministry of Defense – Tuzla Secretariat of Defense, Srebrenica Municipality Department, *Report on Order* [Republika Bosna i Hercegovina, Federacija Bosne i Hercegovine Ministarstvo odbrane – Sekretarijat odbrane Tuzla, Odjeljenje u općini Srebrenica, Izvještaj po naredbi], Strictly Confidential No. Tuzla Secretariat of Defense 11.6-164/95, April 6, 1995, Strictly confidential, No. 03-102-3/95, Srebrenica: June 1, 1995. Archives of the RCIRZ.

The document confirms that there were 12,000 military conscripts in Srebrenica in that time period (1 June 1995).

A document with the designation "Military Secret – Strictly Confidential – Urgent", signed on 4 June 1995 by Ramiz Bećirović, the ARBiH 2nd Corps 28th Division Main Staff Commander requested 3,000 rifles, 7,000 uniforms and 7,000 pairs of footwear from the ARBiH Main Staff for the 28th Division.[43]

In a transcript of the testimony of the ARBiH General Enver Hadžihasanović at the trial of the VRS General Radislav Krsić, Hadžihasanović said that there were 5,803 28th Division members in Srebrenica.[44]

Based on those sources, it may be concluded that the ARBiH 2nd Corps 28th Division had between 10,900 and 11,500 men until the demilitarization in April 1993. After the demilitarization, the number of active service members of the Division is estimated to have been between 5,700 and 6,200 men. The demilitarization of the safe area was never carried out. The ARBiH only surrendered a small portion of their weapons to the UN, while the VRS never withdrew their heavy artillery from the surroundings of the safe area. Below is the statement of Huso Salihović, who was the commander of the ARBiH 28th Division 283rd Brigade between 1 January 1994 and 18 February 1995, where he mentioned the conditions after Srebrenica was declared a demilitarized area by Security Council Resolution no. 819 on 16 April 1993:

> The UNPROFOR was coming and that Sreberenica was a demilitarized zone, so combat operations were suspended on both sides. Naser[45] issued an Order for us, the units' commandants, to hand over 10% of our poorest weapons to the UNPROFOR, which we did. During the demilitarization of Srebrenica, one part of the free territory remained not demilitarized. It was the region of Jasenovo, Ljiljen Do, Ljeskovik and Kotljevac which extends to the Perućac Lake. In order to organize the defense of this area, the Commandant and the Chief of Headquarters issued an order that every battalion must form an active platoon consisting of 40 combatants, all of them engaged in the relevant area. This area was also the connection between Srebrenica and Žepa.[46] …During the demilitarization of Srebrenica, humanitarian aid in the form of food, clothes, shoes and medicines started coming in. The help was brought there by the UNHCR and they were handing it over to the municipality authorities and it was then stored in the Department Store's warehouse. The municipality services took charge of the distribution of the help. The main person for this task was Aziz Mekić, manager

43 ARBiH, 28th Division Command, *Request for material* [original name: Armija BiH, Komanda 28. divizije, MTS-a, potražuje se], Conf. No. 01-74/95, Srebrenica, June 4, 1995; Republic of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina Ministry of Defense - Tuzla Secretariat of Defense, Srebrenica Municipality Department, *Order Report*, Strictly Confidential No. Tuzla Defense Secretariat: 11.6-164 / 95 of 6 April 1995, Strictly Confidential No.: 03-102-3 / 95, Srebrenica, 1 June 1995] Archives of the RCIRZ.

44 *Prosecutor v. Krstic*, Case No. ICTY IT-98-33, Testimony of ARBiH General Enver Hadžihasanović, Tr. 9514, April 5, 2001, accessed April 20, 2020, http://www.icty.org/x/cases/krstic/trans/en/010405it.htm. The transcript did not cite a precise date, but this relates to the events prior to the fall of Srebrenica.

45 Naser Orić, the ARBiH 2nd Corps 28th Division Commander.

46 Statement of Huso Salihović [translated from BSH for the Commision], RBiH, MUP, ARBiH, No. 06-101-197/95, ICTY 02966935, Tuzla, August 20, 1995, p. 4, Archives of the RCIRZ.

of the warehouse. According to my findings, 20% of the total humanitarian aid was allocated to the current food needs. This amount of food is transported from the Department Store to the Headquarters' warehouse which is located in a small building right next to the Court building. Since the army did not have any activities back then, there was no military kitchen; some of the help was given to the soldiers, and a big part of it was sold for Naser[47] and his closest associates. I was fortunate to get the best people when my Brigade's Command was formed – they were literate, honest, capable and proven combatants. We restored order and discipline in our Brigade, we had a register of weapons and equipment, we made a training plan for combatants and senior officers; while other units did not even have those things, or if they did, it was actually complete negligence.[48]

We established working hours in [illegible] of our brigade. This was not the case with other units, not even with the Operative Group. Instead, a few people would come to the Command of the Operative Group; they would be there for an hour or two, eat there and then leave. Commander Naser comes once a week, signs some acts and leaves. He spent a lot of time at all kinds of parties and he dealt with politics; more precisely he wanted to make his people part of the municipal structures. **I brought discipline and started punishing combatants who would not go on watch or who would leave the demilitarized zone.** However, these actions caused obstruction, even by Commandant Naser himself. Our way of functioning bothered others because people started openly talking about us being better than the Operative Group. For example, combatants from other units did not go on watch, or they sold their weapons and no one was held responsible for that. This caused certain problems in my unit since my soldiers were not happy with the fact that disciplinary actions were taken only in our Brigade, while others were not responsible for anything. **As ordered by the Commandant of the OG-8[49], all brigades were obliged to store all the weapons. We did 95% of this task, while the other brigades did much less or did not do it at all.** In October 1994, Commander Naser allowed a civilian, Amir Harbaš from Daljegošte, the municipality of Srebrenica, to take a PM M-53 from our warehouse, without any rationale or written order.[50]

Following the demilitarization, ranks reduced by nearly 5,000 were organized in reserves to be activated as needed.[51] A document designated as "Strictly Confidential" details the formation of the reserves based on the RBiH Presidency Decision to Form Reserve Units of the ARBiH, PR, no. 1797/95 dated 12 April 1995, and the Ministry of Defense and ARBiH Main Staff Joint Order, str. conf. no. 03-123/95 dated 19 April 1995.[52] This document ordered the formation of an ARBiH Reserve Army in the free territories and all municipalities under

47 Naser Orić, the ARBiH 2nd Corps 28th Division Commander.
48 Statement of Huso Salihović, p. 4.
49 Abbreviation for the 8th Operative Group
50 Statement of Huso Salihović, p. 4.
51 ARBiH 2nd Corps Command, Tuzla Garrison Command, *Formation of units of the reserve forces – Order* [original name: Armija Republike Bosne i Hercegovine, Komanda 2. Korpusa, Komanda Garnizona Tuzla, Formiranje jedinica rezervne armije – Naređenje], Strictly confidential Number: 07-1160-3, Tuzla, June 14, 1995. Archives of the RCIRZ.
52 ARBiH, 2nd Corps Command, Tuzla Garrison Command, *Formation of units of the reserve forces – Order*, strictly confidential number: 07-1160-3, Tuzla, 14.06.1995. Archives of the RCIRZ.

ARBiH control. Further, the document states that the units, which were formed based on territory, should be staffed by military conscripts, volunteers regardless of age or sex, and young men between 16 and 19 years of age who were registered in military records or recruited but had not been assigned to serve their compulsory term. Srebrenica, as an ARBiH-controlled territory until 11 July 1995, was implementing a policy of military and political leadership by the Bosnian Muslims. The Srebrenica area was under a general mobilization order issued by the President of the Srebrenica Municipality War Presidency Hajrudin Avdić. Avdić gave the order based on the RBiH Presidency Order to IMMEDIATELY carry out a general mobilization of all combat-capable citizens between 16 and 60 years of age, to be assigned to Territorial Defense Units, Public Security stations, Civil Protection units, or the Work Service. The order also said that citizens were to bring their own weapons.[53]

After the Serb forces entered the enclave on 11 July 1995, the population of Srebrenica was evacuated in two large columns. One of the columns consisted of the ARBiH 2nd Corps 28th Division, composed of active service members and reserve members who had reported to the staging area according to the 28th Division Command order. The second column consisted of the civilian population, as previously stated, including women, children, the elderly, as well as a certain number of combat-capable men who had sought protection from the UN. Relevant sources, primarily documents of the RBiH civilian and military security, confirm the military status of the column. For example, a BiH Government document dated 28 August 1995 and designated "Strictly Confidential", delivered to the Department of the Military Security Service in the ARBiH 2nd Corps Command, the State Security Service Tuzla Sector, and the ARBiH Main Staff – Department of Security, reads:

> … during the formation of the column, the precise number of people in the column that took off that evening was never determined, but some estimates say that there were between 10,000 and 15,000 people in the column, including around 6,000 armed fighters, not including the combatants from Žepa. There were not many women and children in the column. There may have been a dozen women. While the column was moving, the commanders were given instructions, including, allegedly, to leave the deceased fighters, and to carry the wounded.[54]

Richard J. Butler, ICTY prosecution expert, said in his statement on the military events in Srebrenica that most units of the Muslim 28th Infantry Division had left town during the evening of 10 July 1995, moving towards the northwestern part of the enclave in order to prepare for the breakthrough towards Tuzla. Women, children, the elderly and the ill started

53 Srebrenica Municipality, *Order for General Mobilization in the Srebrenica Municipality* [original name: Opština Srebrenica. Naredba za opštu mobilizaciju u opštini Srebrenica], ICTY 03572687, Archives of the RCIRZ.

54 ARBiH 2nd Corps Military Security Department and SDB Sector Tuzla. *The Fall of Srebrenica*, [original name: Armija BiH, 2. korpus, Odjeljenje službe vojne bezbjednosti, Sektor SDB Tuzla, Pad Srebrenice], ICTY R 1100576, August 28, 1995, Archives of the RCIRZ, p. 6.

moving towards the UN bases in Srebrenica and Potočari. Further, Richard Butler stated that the refugees moving towards the UN base in Potočari did not, under any circumstances, include all of the remaining Muslims in the enclave. Starting in the evening of 11 July 1995, ARBiH soldiers and Muslim men were gathering in the area of the villages of Šušnjari and Jaglići. This area in the northwestern part of the Srebrenica "safe area" was a starting point through the VRS minefields and the most direct path towards the ARBiH-controlled territory near Tuzla. Depending on the source, between 10,000 and 15,000 people formed a "mixed" (military and civilian) column trying to escape via this route.[55] Even though Butler mentioned a mixed military and civilian column, the evidence indicates that it was a military column that had organized into brigades prior to the breakthrough, where they had received clear orders from the ARBiH 2nd Corps 28th Division Command. The reserve forces were poorly armed, mostly with personal military weapons, hunting rifles and hand grenades. A large number of participants in the column was not wearing uniforms, which was a constant problem for the underequipped ARBiH 2nd Corps 28th Division.

The Report of the Secretary-General pursuant to the General Assembly Resolution 53/35 speaks of the military nature of the column, the ARBiH 2nd Corps 28th Division's clashes with the Serb forces, loss of life to landmines and suicides, captures. Below is an excerpt from the report:

> 387. The following day, many of these men began arriving in the Tuzla area, searching for their families. **The Bosnian Government disarmed the survivors** and transported them to collective shelters in the wider area of Tuzla. Members of UNPROFOR were able to interview a number of them, and report the mission's leadership. **The men interviewed estimated that up to 3,000 of the 12,00 to 15,00 in the column had either been killed during combat with the BSA or when crossing over mines, while an undetermined number among them had also surrendered to the BSA.** They did not know if the latter were still alive or where they were being held. A number had also committed suicide. These estimates suggested, very roughly, that between 4,000 to 7,500 of the men and boys in the column were still unaccounted for.[56]

Another document confirming the military nature of the column and the clashes that occurred during the breakthrough is a US State Department cable dated 18 July 1995. The cable says that the mayor of Tuzla disclosed that about 6,000 Muslims, including 3,500 fighters, had fled from Srebrenica on foot. The cable further says that they were engaged in fighting while passing through the Serb-controlled territory, before they arrived in the BiH Government-controlled area southeast of Tuzla. About 35,000 people fled from Srebrenica.[57]

55 Richard J. Butler, *Expertise on Military Events in Srebrenica (Revised), Operation "Krivaja 95"* ("Third Report"), Expert Report to the ICTY, November 1, 2002, p. 35.

56 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly Resolution 53/35*: *The fall of Srebrenica,* p. 84.

57 CIA, *H/W Support Cable for European Brief OCPAS EUR 95/165 for 18 July 1995.*

An ICTY document[58], Internal Memo No. LRT/ET/071-08 (0636-1547-0636-1556-BCST/translation) dated 24 July 2008, was drafted by Ewa Tabeau, demographer, Leadership Research Team/Demographics Unit (LRT/DU). The subject of the memo is titled "Data from ARBiH military documentation matching the lists of missing persons from Srebrenica compiled by the Prosecution in 2005." The recipient of the memo is Peter McCloskey, high-ranking Prosecution representative, via Patrick J. Treanor, Leadership Research Team. The result of the analysis, is as stated in the document, direct quote: "**This means that cross-referencing the data from the ARBiH documents with the Prosecution data yielded 5,371 matches.** That comprises roughly around 70% of the cases on the Prosecution's list."[59] The aforementioned analysis confirms that 70.1% of those who died in the breakthrough from Srebrenica to Tuzla had been ARBiH members. Ewa Tabeau further states in the document that the ICTY Demographics Unit estimated that the data in the ARBiH lists was unreliable, as it had been compiled post mortem for the purposes of exercising the right to a pension, and had been financially motivated. The author of the document, Ewa Tabeau, offered no argumentation nor proof for this claim from any of the BiH official institutions, but rather stated that the assumption is based on her personal correspondence with Professor Samil Čekić,[60] Mirsad Tokača,[61] and people from non-government organizations and translators. In addition, she attached to her memo the evidence material she used in her analysis, which is listed below in full:

- D000-0613-D000-0619: ARBiH documents (List of killed ARBiH soldiers and other military personnel)
- D000-2372-D000-2372: Identified according to ICMP data; updated July 2008.
- 0501-6180-0501-6209, evidence exhibit no. P02413: Brunborg et al. expert report, 16 November 2005.
- 0501-5985-0501-6177, evidence exhibit no. P02414: Missing Persons from Srebrenica, list compiled by the Prosecution in 2005.
- R089-6474-R089-6490, evidence exhibit no. P02416, Brunborg et al. expert report, 21 November 2005.
- 0626-5765-0626-5781: Tabeau and Hetland expert report, 11 January 2008.
- 0634-6600-0634-6607: ICTY Prosecution's request for assistance addressed to the Bosnia and Herzegovina Ministry of Defense.
- 360-4878-360-5022: Reply to 0634-6600-0634-6607 received by the Bosnia and Herzegovina Federal Ministry of Defense.

58 Tabeau Ewa. "Internal Memo," No. LRT/ET/071-08 (0636-1547-0636-1556-BCST/translation), Unpublished ICTY Document, (July 24, 2008). Archives of the RCIRZ.

59 Tabeau, "Internal Memo," p. 2. Ewa Tabeau cross-references ARBiH files with the list of 7,661 persons compiled by the Prosecution in 2005, p. 2.

60 Professor Smail Čekić, PhD, full professor at the Faculty of Political Sciences, University of Sarajevo.

61 Director of the Research and Documentation Center in Sarajevo.

Bosnia and Herzegovina Federal Ministry of Defense document addressed to the ICTY Sarajevo Field Office Chief Jan Van Hecke on 4 August 2004 also confirms the claim that the breakthrough column was a military formation. In that document, designated as "Official Secret – Strictly Confidential", the Federal Ministry of Defense Minister Miroslav Nikolić delivered documentation based on the request of the Principal Trial Attorney Mr. Geoffrey Nice where he requested documentation on 142 ARBiH members and other persons who had died or gone missing after the Srebrenica area was taken by VRS forces. The data was delivered for 135 out of 142 persons in the request. An attachment to the document contains a list of 135 persons and photocopies of the documentation on the time and place of death for 135 persons. Out of the 135 documents, 132 explicitly contain the information that the deceased was an ARBiH member and that he had been KILLED IN ACTION during the breakthrough to Tuzla.[62]

Out of the total number of persons reported as missing who are included on the ICMP list (7,692), based on available military evidence (part of the archive) of the ARBiH 28th Division, as well as the material analyzed to date, it was ascertained that 2,880 persons are listed in that material as members of the army.[63]

The following text contains witness statements from participants in the column who had survived the breakthrough. The text is divided into two parts. The first part details the gathering of the 28th Division on one side and the formation of the civilian column headed for the UN base in Potočari on the other side. The second part of the chapter contains witness statements testifying on the military nature of the column.

3.1. The Staging of the 28th Division for the Breakthrough – Eyewitness Account

The statement of **Ilijaz Pilav**,[64] son of Edhem, born on 13 December 1964 in Gladovići in Srebrenica municipality, doctor of medicine by occupation, statement given to RBiH State Security Service Tuzla Sector operatives on 18 August 1995. In his statement, Dr. Pilav details the circumstances of the fall of Srebrenica and the exodus of the population in two distinct groups. The first group consisted of civilians (women, children, the elderly and the unfit for combat) who were headed for the UN base in the village of Potočari. The second group consisted of active members of the ARBiH 2nd Corps 28th Division and other combat-capable men, who were assigned to reserve forces after Srebrenica was declared a safe area in April 1993. Dr. Ilijaz Pilav provided the following description of those events:

62 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry of Defense No. 06-01/6-4.4.-498-4/04, Sarajevo, August 4, 2004. *Prosecutor vs. Slobodan Milošević*, Exhibit IT – 02 – 54, Data on the disappearance – death of 142 ARBiH members and other persons. Archives of the RCIRZ.

63 For more details, see Section 5. Casualties Assessment. .

64 Statement of Ilijaz Pilav [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No.14-1514, ICTY 02966958, August 18, 1995, p. 2, Archives of the RCIRZ.

> After that - and I do not remember the exact time but I know that it was right before we set off - I personally called Sarajevo, and I do not know what I was told but, all in all, we again could not speak to the President, so I told the person who answered that "we were leaving town that instance" to what Osman Suljić added that "a mass of people were moving towards Tuzla". It is interesting that the same night, we heard on Radio BiH on a transistor radio that **someone in the column had that a large column of army [members] and civilians were moving from Srebrenica towards Tuzla. That same day, on 11 July, when a large column of mainly able-bodied men headed towards the forest, the women and children headed towards Potočari, i.e. to the UNPROFOR base, but there was such confusion, panic, and shooting that a significant part of able-bodied men returned to the town and also headed towards the UNPROFOR base**."[65]

The eyewitness Dr. Ilijaz Pilav further elaborates on the circumstances of assembling the military formation, listing locations, strength, the name of the brigade, the places where the fighters were from, the battle plan, the direction of movement of the military formation, the time of movement of the combat units:

> However, when we got to the village of Slatina, we met with Hakija Meholjić, the Chief of SJB[66] in Srebrenica, **and one part of the army from the 282nd Brigade, suddenly news spread out through the column** – I don't know by whom and how it was started – that Žepa had already fallen, **so we** automatically changed our plan and headed towards Tuzla. **From that place between 10 and 12 thousand people headed towards the village of Šušnjari, where we were joined by the fighters from Sućeska and Potočari. That same night in one house in Šušnjari, a plan of movement towards Tuzla was made, the route was determined, and the layout for brigade movement was made.** At 1 o'clock after midnight, the front part of the column headed towards Tuzla."[67]

Suada Salkić, daughter of Alija Alispahić (father), born on 6th September 1968 in Srebrenica, permanently residing in Jošava, the municipality of Srebrenica, gave a statement to the State Security Service, Tuzla Sector on 24 July 1995, on the circumstances of the fall of Tuzla and her stay at the UN base in Potočari. In this statement, Suada Salkić detailed the circumstances of the occupation of Srebrenica by the VRS forces. On that occasion, she said that an unidentified ARBiH soldier, a courier, was going down the road and calling up all combat-capable and armed men to bring their weapons and head through the woods for the staging area in the direction of the village of Lipa (the road towards Šušnjari), and the civilians to head for the UN base in the village of Potočari. This statement clearly indicates that the two columns had different statuses and distinct directions of movement. The civilians headed for the UN base in the village of Potočari were one group. The other group was the military formation including all combat-capable men headed for the village of Lipa, that is,

65 Statement of Ilijaz Pilav.
66 Chief of Police in Srebrenica.
67 Statement of Ilijaz Pilav.

the vicinity of the area where the brigades within the ARBiH 2nd Corps 28th Division were staging. The following excerpt from the statement confirms those claims:

> On 11th July 1995 at around 5 PM, while Chetniks[68] were burning down Bojna and coming into Srebrenica from the direction of Zeleni Jadar, a **soldier - messenger unknown to me was on the road, calling for all able-bodied and armed men to take their weapons and go through the woods in the direction of the village of Lipa**, while women and children should go in the direction of Potočari, to the UN base.[69]

Hasan Alić,[70] son of Hamed (father) and Alija (mother), née Osmanović, born on 24 October 1969 in Rađenovići village in Srebrenica municipality, eyewitness to the events, member of the ARBiH 2nd Corps 28th Division. In the statement given to the State Security Service, Tuzla Sector, on 9 October 1995, he detailed the movement of the civilians, members of his family (mother, wife, and three daughters) towards the UN base in Potočari, while he was headed to his combat unit, as ordered. The following is an excerpt from his statement:

> **After the Chetniks entered the town of Srebrenica, the source and his wife Zumreta, daughters Mirnesa, Mirela, and Mersija, and his mother Alija, went to the UN checkpoint where they parted since he received orders from the command to report to his unit immediately.** Upon arriving to the unit, they immediately headed towards Sućeska and from there, he continued with his unit to Buljin [sic] village. **It was agreed that all able-bodied men line up in Buljin [sic] so as to form columns to carry out a breakthrough towards the free territory.** The source stated that the brigades lined up at around 0000 hours that same day. **After the brigades were lined up, an order was issued for the brigades to proceed moving towards the free territory in short intervals one after the other.**[71]

Hakija Husejinović,[72] son of Alija (father) and Hasnija (mother), née Begić, born on 17 February 1944 in Bućinovići-Sućeska in Srebrenica municipality, ARBiH member, 6339

68 Name for a member of the Yugoslav Army in the Fatherland, which fought during the WW. Muslims used it as a derogatory nickname for Serbs in the 1990s.

69 Statement of Suada Salkić [translated from BSH for the Commision], SSS Tuzla, Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 15-68/95, ICTY 01007645, July 24, 1995, p. 1, Archives of the RCIRZ.

70 Statement of Hasan Alić [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 14-1753, ICTY 00371752, October 9, 1995, Archives of the RCIRZ.

- Alić Hasan, (ARBiH), son of Hamed, born on October 24, 1969 in Rađenovići, MZ Osatica, Srebrenica municipality, lived in Srebrenica. Personal VES: infantry. Target on RBRO - 90 mm, in the tenth RBRO - 90 mm, accompanying platoon, 4th LPC, 282. IBLBR Srebrenica (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* [original name: Armija BiH, 28. divizija, 282. IBLBR Srebrenica, *Spisak pripadnika*], Archives of the RCIRZ, p. 34).

71 Statement of Hasan Alić, p. 1.

72 Statement of Hakija Husejinović [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 15-247/95, ICTY 00371781, October 27, 1995, Archives of the RCIRZ, p. 1.

Srebrenica army unit, on 27 October 1995 gave a statement to the RBiH State Security Service, Tuzla Sector. The eyewitness details the events after the fall of Srebrenica. On the circumstances of leaving Srebrenica, Hakija Husejinović spoke about the two columns. One consisted of women and children headed for the UN base in Potočari, and the other, the military column, was staged in the village of Jaglići on 12 July 1995, and from there they started the breakthrough towards Tuzla. The eyewitness Hakija Husejinović gave the following description of these events:

> On 11 July 1995 after the Serb aggressor units had attacked the UN safe area of Srebrenica, **together with other men from my village of Bućinovići I set off in the direction of Buljim, with the intention to break through to the free territory in the direction of Tuzla. At that same time, women, children, and the infirm headed towards the UN base in Potočari.** Early in the morning of 12 July 1995 we arrived to the village of Jaglići, where there were, according to my assessment, around 18,000 people from all parts of Srebrenica municipality. **Up until somewhere around 12 o'clock we were lining up and the columns were being formed which then started moving in the direction of Buljim and further towards Konjević Polje.** I was going among the last. Sometime around 3 o'clock in the afternoon, while we were coming down Buljim hill, we learned that we lost contact with the front of the column thus we stopped in a forest near some brook.[73]

According to eyewitnesses, the military column of the ARBiH 2nd Corps 28th Division only included a small number of women, mostly those who did not wish to be separated from their brothers or husbands.[74] One of those was **Zumra Hafizović**[75] daughter of Šaban (father) and Sabra (mother), née Muratović, born on 30 January 1973 in the village of Potočari in the Srebrenica municipality. The eyewitness Zumra Hafizović detailed the evacuation of civilians, i.e. women and children, to the UN base in Potočari, while the able-bodied men headed for the ARBiH 28th Division staging area in the village of Šušnjari/Jaglići. In her own statement given to the ARBiH military security organs, Zumra Hafizović had refused to join the civilian column headed for the UN base, and instead chose to walk in the military breakthrough column with her brother and cousin, to the staging area in the village of Šušnjari.

> Around 1700 hours on 11 July 1995 I set off from my village of Potočari, more precisely from my house. Before I set off from my house, around 1300 hours that same day, my brother-in-law Sulejman and my sister Ševala came to me and asked me whether I would be fleeing with my family because they had already packed their belongings and were ready to go. I started crying and I told them that I would not

73 Statement of Hakija Husejinović, p. 1.

74 An analysis of the list of missing persons compiled by the OTP ICTY in 2009 determined that a total of 7,692 persons have been reported as missing, including 65 women, or 0.84% of the total number of missing persons on the ICMP list (ICTY OTP, *The 2009 Progress Report*).

75 Statement of Zumra Hafizović [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, 212th Mountain Brigade Command, No. 06-399-1/95, ICTY 02631623, August 14, 1995, Archives of the RCIRZ.

> go anywhere away from my home, and then I went to my aunt Hatidža's place and I watched some film until around 1430 hours. **I returned home, and then around 16.30 hours effendi Alija Jusić, who was living in the other part of my house with my uncle, came and told us that able-bodied men were to go across the forest, while women and children were to go to the UNPROFOR camp in Potočari. He told us that he had been in our command and that they had told him that the UNPROFOR would organize convoys to transport civilians to Kladanj. I refused to go with the women and children and I said that I would go with the troops, i.e. with my brother, my cousin Nihad, and with him. Immediately after we finished that conversation, we quickly packed some food and clothes and we set off towards Šušnjari to the assembly area**.[76]

Eyewitness Zumra Hafizović further detailed the events on the road to Šušnjari, which the 28th Division Command had designated as a staging area prior to starting the breakthrough:

> **While we were going towards Šušnjari I noticed a lot of people (women, children, and older men) who were going in the opposite direction, i.e. toward the UNPROFOR camp.** Along the way, one girl called Hava Germić asked me why was I not going towards the camp as well but instead was going across the forest, to which I replied that I would not go anywhere without my brother. On our way towards the forest, i.e. towards Šušnjari and their camp, the Chetniks shelled us from mortars from the direction of Bratunac, but I do not know which Chetnik unit was it or who was its commandant. We arrived in Šušnjari to Sidik Ademović's house, who was the PK[77] for security in the 280th Light Brigade. **The brigades lined up there, and I was in the line of the 280th Light Brigade, and after we had lined up, in the middle of the night we set off towards Buljim in a column of twos.** The troops were going in front of us, and we were at the back of the column. We generally organized ourselves so that people could be with their close relatives or neighbors in the column, so they could save and help each other during the breakthrough towards Kladanj.[78]

Osman Halilović,[79] in a statement given to ICTY investigators on 14, 15 and 16 August 1995, discussed the two columns formed after the fall of Srebrenica. According to eyewitness Osman Halilović, military conscripts received orders to head for the 28th Division staging area in the village of Šušnjari. The second column consisted of civilians who were headed to Potočari, to the UN base. According to Halilović's statement, that order had come from the Command in Srebrenica:

> On 11 July, when we were told that Srebrenica had fallen, in was in Sučeska [sic]. I do not know where that information had come from, but people started panicking. **All**

76 Statement of Zumra Hafizović, p. 1.
77 Assistant Commandant.
78 Statement of Zumra Hafizović, p. 3.
79 Statement of Osman Halilović given to the ICTY investigators, ICTY 00818527, August 14, 15, and 16, 1995, Archives of the RCIRZ, p. 2.

> **conscripts and others who could get out of the village walking on their feet were ordered to go to Šušnjari. Women were supposed to go to Potočari. I think the order came from the Command of the Bosnian Government (BiH) in Srebrenica. We went together, men and women, until we arrived to Lehovići village where we separated**.[80]

In his statement, Osman Halilović further described the path to Šušnjari, estimated the strength of the column, the number of soldiers, estimated the weapons they had, the percentage of the elderly, the underage, and women.[81] Halilović said the following:

> Men kept walking towards Šušnjari. People from other villages also came to Šušnjari. It was decided that all people would be moving in a column, considering the fact that we suspected that the forests had been mined. It is estimated that around 15,000 men from Srebrenica area gathered there. **I think that the estimate was made on the basis of pre-existing indicators about the number of men in that area. 13,000 men were known to be conscripts, while the remaining 2,000 were older men and boys.**[82]I heard about that number of 15,000 men for the first time from the municipal authorities, but I do not believe that anyone counted the men before we set off. I talked to some of the local military leaders from other villages, and they told me that no one had stayed in the villages. I counted 57 men from my village (Sučeska [sic]). **Around 1/3 of the column was armed with rifles. They were mostly the men that were at the head of the column.** The column had to go for approximately 70 kilometers before reaching the free territory. I started walking from Šušnjari around 0130 hours on 12 July. Those at the head of the column had started walking even before that. I was at the front of the column's middle part. The column was around 10 kilometers long. **There were a small number of young women in the column, mainly unmarried. I think that those young women had stayed with their boyfriends.** On the map, I approximately marked the location of the trail that we had made while passing through the forest.[83]

Enver Avdić,[84] son of Sado (father) and Hamida Halilović (mother), born on 7th July 1977 in Gladovići, the municipality of Srebrenica where he permanently resided. On 27 October 1995, Enver Avdić gave a statement to the RBiH State Security Service, Tuzla Sector operatives. Enver Avdić is a soldier who was captured by the Serb forces during the breakthrough, and taken to the Camp Batkovići, Bijeljina Municipality, along with a group of other prisoners of war. Eyewitness Enver Avdić detailed the separation of the civilians headed

80 Statement of Osman Halilović, p. 2.

81 Statement of Osman Halilović, p. 2.

82 An analysis of the list of missing persons compiled by the OTP ICTY in 2009 determined that a total of 7,692 persons have been reported as missing, including 80 persons under 16 years of age, or 1.04% of the total number of missing persons on the ICMP list. It was determined that 701 of the missing persons were over 60 years of age, or 9.11% of the total number of missing persons. (ICTY OTP, *The 2009 Progress Report*).

83 Statement of Osman Halilović, p. 2.

84 Statement of Enver Avdić**,** [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 14-1852, ICTY 00371746, October 27, 1995, Archives of the RCIRZ, p. 1.

to the UN base in Potočari and the able-bodied men headed for the staging area in Buljim (Šušnjari, Jaglići) according to the orders from the ARBiH 28th Division Main Staff. In his statement, Avdić detailed the staging of the ARBiH 28th Division brigades and estimated their strength. Also, he stated that his father Sado Avdić and brother Hamdija Avdić participated in the column as members of the 282nd Brigade, and that he had not seen them since. Among other things, Enver Avdić said the following in his statement:

> At the beginning of the informative conversation, the source told us that he was in Vidikovac near Srebrenica with his family when Srebrenica fell–(by Chetniks) on 11th July 1995. More precisely, the source was with his father Sado, mother Hamida, grandfather Nazif, grandmother Fetija, sister Sadeta and brother Hamdija. In Vidikovac, **Enver, his father Sado[85] and brother Hamdija separated from the rest of the family and continued their way towards Joglica[86] and Buljim, while the other family members left to the UNPROFOR base in Potočari.** As the source said, when he, Sado[87] and Hamdija[88] arrived in Buljin on 12th July 1995 at around 3, **members of the ARBiH were being lined up in brigades. As Enver stated, there were about 15.000 soldiers and civilians[89] at the line-up in Buljim. After lining-up was over, a movement order was issued. The 285th Brigade departed first and the 282nd Brigade was second. His father Sado and brother Hamdija were in the latter Brigade.** He does not know anything about their destiny since that day.[90]

Mevlid Alić,[91] son of Abid (father) and Samija (mother), born on 28 September 1961 in the village of Poljak in the Srebrenica municipality, in a statement given to the RBiH State Security Service members on 6 October 1995, detailed the circumstances following the fall of Srebrenica. Mevlid Avdić stated that two columns had formed after the fall of Srebrenica. One consisted of the civilians (women, children, the elderly) headed for the UN base in Potočari, while the other consisted of able-bodied men. The eyewitness said that he separated from his wife and children, and joined a group of other men in the 282nd Brigade in the area of the village of Šušnjari. The following is an excerpt from his statement:

85 Sado Avdić, son of Nazif, b. 1953, disappeared on 20 June 1995 in Pobuđe. "Sado" is likely a nickname for "Sadik", seeing as both names are listed in missing person databases.

86 Jaglić, one of the ARBiH 28th Division staging areas.

87 Sadik Avdić, (ARBiH), son of Nazif, born 2 December 1953 in Gladovići, MZ Osatica, Srebrenica Municipality, resided in Vidikovac, MZ Gostilj, Srebrenica Municipality. Personal VES: infantry (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* (01837702-01837761), p. 60).

88 Hamdija Avdić, son of Sadik, born 1975, disappeared 12 June 1995, Kravica, according to ICMP evidence. In the Missing Persons Institute of Bosnia and Herzegovina, the name of Hamdija Avdić's father is listed as Sado Avdić (Brunborg et al., *The 2009 Integrated Report*).

89 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

90 Statement of Enver Avdić, p. 1.

91 Statement of Mevlid Alić [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, State Security Service, Tuzla SDB Sector, No. 14-1737, ICTY 00371771, October 6, 1995, Archives of the RCIRZ .

> At the beginning of the interview, the source told us that when Srebrenica fell into the hands of the Chetniks on 11 July 1995, he was with his family in a flat in Srebrenica, from where, upon hearing that the Chetniks had entered the town, together with his wife Tima, daughters Alma and Mersa, and son Elkerin, he headed towards D. Potočari. **On the way to Potočari, he split from his family and with a group of men he set off towards Šušnjari, where he joined the members of the 282nd Brigade and with it continued moving further towards Konjević Polje**.[92]

Sead Karamujić, father's name was Vejsilo, in a statement given to the ARBiH military security organs on 6 August 1995 stated that he had been a combatant of the Sabotage-Reconnaissance Platoon of the 280th East Bosnian Light Brigade, the 28th Army Division.[93] Sead Karamujić also spoke in his statement about the civilians arriving at the UN base in Potočari, while the army had been given orders to retreat in the direction of the villages of Jaglić and Buljim. He further spoke of his responsibilities during the breakthrough and the strength of the brigade during the breakthrough to Tuzla:

> **We had not known anything about Chetniks entering Srebrenica until people started arriving in Potočari, in the UNPROFOR command. Later, we found out that they ordered all the units to retreat towards Jaglić and Buljim, from where the breakthrough of the 2nd Corps towards the free territory was about to happen.**
>
> …On 11th July 1995, we set off through Buljim to make a breakthrough. My personal assignment was to escort Naser's[94] father and mother, Džemo and Fata. I was given this task because I knew the terrain and because I had gone to Nezuk several times. This was ordered by the commander of the 280th Brigade, Ibrahim Mandžić, and the platoon's commander, Munir. Since several more combatants and I were given this assignment, I **was not able to track other events and everything else that happened to the column which was breaking through towards Nezuk. There were around 12,000 to 13,000 combatants and civilians[95] in the column.** The column was probably 7 or 8 km long, or even more. When we set off to Buljim, it was decided that the 284th Brigade would go at the front. We had the most victims on the second day of the breakthrough, when we were crossing over the asphalt in Konjević Polje.[96]

92 Statement of Mevlid Alić, p. 1.

93 Sead Karamujić is listed in ARBiH 28th Division files as its member: Sead Karamujić (ARBiH), son of Vejsilo, born 4 December 1962 in Bratunac, resided in Joševa, MZ Gostilj, Srebrenica Municipality. Assigned to KAL in the ARBiH. Radio-Interceptor in the PEB Detachment, 280th IBLBR Potočari, rotated to the position of marksman in the Mixed Detachment of the DIV, 280th IBLBR Potočari, Pioneer in the 2nd Detachment, 2nd Company, DIČ, 280th IBLBR Potočari (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members* [original name: Armija BiH, 28. divizija, 280. IBLBR Potočari, *Spisak pripadnika*], Achives of the RCIRZ, pp. 6, 9, 12).

94 Naser Orić, BiH ARBiH 28th Division Commander, was not present in the enclave at the time of the fall of Srebrenica.

95 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the BiHARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

96 Statement of Sead Karamujić given to the ARBiH 2nd Corps Military Security Officer [translated from BSH for the Commision], ICTY 02631678, August 6, 1995, Archives of the RCIRZ, p. 1.

Behadija Krdžić,[97] participant of the breakthrough to Tuzla, gave a statement to ARBiH military security members on 18 August 1995 where he stated his affiliation with the ARBiH.[98] The following is an excerpt from his statement:

> Made on 18 August 1995 after an informational interview was conducted with BEHADIJA KRDŽIĆ, son of Alija, born on 2 August 1963 in the village of Osmače in Srebrenica municipality, RBiH……, member of ARBiH, serving in the 282nd Brigade of the 28th Division of Land Forces.[99]

Further in his statement, Behadija Krdžić detailed the fall of Srebrenica itself, the evacuation of the population and the arrival of the able-bodied population on the agreed-upon site in order to start the breakthrough to Tuzla.

> On 6 July 1995, the Chetniks started attacking Srebrenica from the direction of Zeleni Jadar [underlined in original text]. During those attacks they used all armament available except the air force. Several days before the attack, columns of buses and trucks driving the army from Serbia were noticed coming from the direction of Bajina Bašta. The Chetniks were resisted in Ljubisavići, but on 7 July 1995 they entered Ljubisavići. On 10 July 1995, the Chetniks entered the town, i.e. one part of the town via Pusmulići and Kazani. The UNPROFOR was not doing anything to protect the civilian population but instead they withdrew in the direction of the town centre and Potočari, and one part of the UNPROFOR that had the technical equipment and weapons surrendered to the Chetniks. The technical equipment that they took away from the UNPROFOR was used later by the Chetniks for the seizing of the town. **The civilians were withdrawing into the town centre towards UNPROFOR, and the other part towards Potočari, also towards an UNPROFOR base, believing that they would protect them. The UNPROFOR did nothing to protect the civilians, and it even allowed the aggressor soldiers to enter the base. The army and one part of the civilians[100] who were unsure about trusting in the UNPROFOR's protection withdrew to Sućeska where it was decided that they would head towards the free territory over the Buljim hill [underlined in original text].**The column further moved in the direction of the village of Kamenice, and from there in the direction of the village of Konjević Polje.[101]

97 Statement of Behadija Krdžić [translated from BSH for the Commision], BiH, ARBiH 2nd Corps Command, Security Department, No. SP 06-101-160/95-17, ICTY 00371774, August 18, 1995, Archives of the RCIRZ.

98 Behadija Krdžić, (ARBiH), son of Alija, born 2 August 1963 in Osmače, MZ Brežani, Srebrenica Municipality, resided in Srebrenica. Personal rank: Corporal. Personal VES: Infantry. Assistant Marksman in the Machine Gun Detachment, accompanying platoon, 2nd LPČ, 282nd IBLBR Srebrenica (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* (01837702-01837761), p. 23).

99 Statement of Behadija Krdžić, p. 1.

100 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

101 Statement of Behadija Krdžić, p. 2.

The statement of **Hasmir Mehanović,**[102] son of Nazif and Adila (mother), née Paraganlić, born on 24 January 1979 in the village of Sulica, Srebrenica municipality, participant in the breakthrough to Tuzla, member of ARBiH 28th Division, confirms that two columns were formed after the fall of Srebrenica. One of the columns included the civilians headed for the UN base in Potočari, and the other, military column, was headed in the direction of Buljim (Jaglić, Šušnjari) on 28th Division Command orders. The following is an excerpt from his statement:

> At the beginning of the informative conversation, the source pointed out that when Srebrenica fell at the hand of Chetniks on 11 July 1995, he was in the village of Sulica in Srebrenica municipality from where he, upon hearing that the Chetniks entered the town, left the village of Sulica with his acquaintances Mersad Đanić, son of Latif, from Peć, born in 1980, Midhad Kadrić, son of Fikret, from Bukovik, born in 1978, and a man called Dahmo from Peć who was about 30 years of age. **Before he set off with the army, the source states that he had said goodbye to his father Nazif and his mother Adila who headed with the other locals in the direction of Donji Potočari. The source pointed out that the four of them arrived in Buljin**[103] [sic] **with the army during the night where they stayed until morning. However, on 12 July 1995, the shelling of the newly arrived civilian population**[104] **and members of Army of RBiH who found themselves in Buljin [sic] at that moment started immediately**.[105]

Commander of the 1st Platoon of the Mujahideen company operating within the ARBiH 28th Division 283rd Brigade, **Bego Muminović,**[106] (son of Ćamil), born on 20 June 1954 in Kamenica in Zvornik municipality, testified on the circumstances immediately before the fall of Srebrenica, and conditions during and after the fall of Srebrenica. Eyewitness Bego Muminović gave the statement to an RBiH State Security Service, Tuzla Sector operative on 22 July 1995. Keeping in mind that Srebrenica had been declared a demilitarized zone according to UN Security Council Resolution No. 819, Bego Muminović's statement confirms that the Srebrenica safe area had not been demilitarized, and that there had been active military formations within it, which he himself had been a member of. The eyewitness testified about the

102 Statement of Hasmir Mehanović [translated from BSH for the Commision] , Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 14-1738, October 9, 1995, Archives of the RCIRZ .

103 Buljim.

104 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

105 Statement of Hasmir Mehanović, p. 1.

106 Statement of Bego Muminović [translated from BSH for the Commision], Mujahideen Company 1st Platoon Commander within the 283rd MBr, Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, 15-65/95, ICTY 01008151, July 22, 1995, Archives of the RCIRZ, p. 1.

> – Bego Muminović had been a member of the BiHARBiH since [illegible] April 1992, during the breakthrough towards Tuzla he was engaged as a member of the BiHARBiH 28th Division, specifically, Mujahideen Company 1st Platoon Commander within the 283rd MBr.

clashes with the VRS after the Serb forces had commenced the military action "Krivaja-95" in early July 1995. The 28th Division suffered significant losses in those clashes, to which he testified in his statement:

> After the artillery preparation, our positions were attacked by the mechanised units *[illegible: crossed out]* of the aggressor army, so at one point I just saw ten tanks and quite a number of personnel carriers and Pragas.[107] After them, came the infantry units, and from our position in the direction of Zeleni Jadar I saw a group of around 500 aggressor soldiers who were walking behind the tanks. The UN members from the above-mentioned checkpoint surrendered, so individual parts of the ARBiH units had to withdraw towards Ljubisavići, Zeleni Jadar and Slapovići. My unit stayed at Jovino Brdo above Podravnje, cut off from the other units. We stayed for around 24 hours at that position which was 5 km from our lines. Due to fierce aggressor attacks on the elevation point of Jovino Brdo, Division Commander Ramiz Bećirović issued the order to withdraw. **While we were defending the positions on that elevation point, we had extensive losses in manpower, so seven soldiers were killed in my company alone.** In addition to the task of withdrawing towards Srebrenica, the unit was also tasked with carrying out active combat operations in order to slow down the advance of the aggressor for the purpose of enabling *[handwritten and inserted: the extraction]* of civilians from Srebrenica. My entire unit managed to pull out towards Kovačica above Slapovići, but new aggressor attacks followed, so five or six hours later we had to withdraw towards Bajramovići. We managed to consolidate our ranks and offer resistance to the aggressor that was attacking from the direction of Slapovići, Zeleni Jadar, and Kovačica, and in addition to artillery preparation, they were also attacking our positions at Bajramovići with tanks and infantry. In the next 24 hours we managed to defend those positions, **but 42 of our soldiers had been killed**. And while defending the positions at Bajramovići the unit found itself in total encirclement, so that Hazim Danović issued an order for us to try to break through towards Bojna, which is located above the very centre of the town of Srebrenica. During that withdrawal, hand-to-hand combats were frequent, and when we entered the town area street combats also ensued. The clashes at Bojna were among the bloodiest because in the town itself our units collided with the aggressor soldiers who had already entered the town from the south side, from the direction of Petrići.[108]

In his statement, Bego Muminović, Commander of the 1st Platoon of the Mujahideen company within the 28th Division 283rd Brigade, detailed the disorganization within the Bosnian Muslim ranks after the Serb forces took Srebrenica. He particularly highlighted the level of disorganization of the civilian authorities, who, instead of remaining with the civilian population, were mixed up with ARBiH members and some of them made it to ARBiH-controlled territory along with the army:

> Also, I do not know whether anyone from the official civilian authorities addressed the people of Srebrenica with any specific instructions about what to do in the given

107 Praga - a Czechoslovakian self-propelled anti-aircraft gun developed in the late 1950s.
108 Statement of Bego Muminović, p. 3.

> moment. However, I do know that the UN officers were promising to the people of Srebrenica that they would take them under their protection and ensure evacuation for them wherever they wanted to go. **The extent to which the civilian authorities were unorganised in those moments is also illustrated by the fact that their representatives, instead of with the people, mixed in with the ARBiH members, and some of them managed to reach the free territories together with us**.[109]

A particularly relevant segment of the Mujahideen company Platoon Commander **Bego Muminović** refers to the lineup in the area of the village of Jaglić with the intention of breaking through towards the Bosnian Muslim-controlled territory. The eyewitness detailed the chain of command and the specific responsibilities of combat units during the breakthrough.

> On 12 July 1995 around 15,000 soldiers and civilians[110] gathered in **Jaglići with the intention to break through towards the free territories in the direction of Tuzla. Ramiz Bećirović took over the main command of that formation with the consent of all the brigade commanders and the independent battalion commander. Before the start of the breakthrough all the units were tasked with receiving the arriving civilians into their units, so there were also children[111] and the elderly among us soldiers who were helping us**. Also, all the units received specific tasks and duties that were to be carried out while breaking through. My unit – the "Mujahedeen" Company, which was part of the Manoeuvre Brigade, together with the engineers, was tasked with breaking through first….[112]

The column commenced the breakthrough from the staging area in Jaglići and Šušnjari. When they arrived at the village of Kamenica, about 10 kilometers from the staging area where they started, the military unit commanders carried out another lineup of their units, followed by a mortar attack by the Serb forces. The ARBiH 28th Division suffered great losses on that occasion.

> In Kamenica we all gathered in a large forest in order to count how many of us were there and to establish the route along which we were to continue to break through. **Unit commanders were also lining up their units and issuing the subsequent orders, but they were generally the same as the ones that had been issued in Jaglići.** I don't know how the aggressor soldiers found out that we were all gathered in that forest, but soon after that, fierce shelling started from all directions. According to my assessment, **around 300 soldiers and civilians were killed in that attack**…[113]

109 Statement of Bego Muminović, p. 2.

110 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

111 An analysis of the list of missing persons compiled by the OTP ICTY in 2009 determined that a total of 7,692 persons have been reported as missing, including 80 persons under 16 years of age, or 1.04% of the total number of missing persons on the ICMP list. It was determined that 701 of the missing persons were over 60 years of age, or 9.11% of the total number of missing persons. (ICTY OTP, *The 2009 Progress Report*).

112 Statement of Bego Muminović, p. 3.

113 Statement of Bego Muminović pp. 3-4.

Halid Alić,[114] a soldier who had survived the breakthrough, gave a statement to the RBiH State Security Service, Tuzla Sector operatives on 17 October 1995, detailing the military nature of the column. Halid Alić had been a member of the ARBiH 2nd Corps 28th Division, whose files he is recorded in.[115] In his statement, he confirmed earlier claims that all able-bodied men had been mobilized by the Srebrenica military leadership. The military authorities prevented the members of the army and able-bodied men from leaving Srebrenica at their own initiative. According to Halid Alić's statement, the column was an organized military formation, with a leadership structure, brigades, chain of command. Attached to this claim is an excerpt from the statement which the survivor, Halid Alić, gave to the BiH State Security Service, Tuzla Sector operatives:

> At the beginning of conversation, the source told us that he was in the town of Srebrenica when it was taken over by Chetniks on 11th July 1995. As he heard about Chetniks coming to the town, he left his apartment with his wife Rabija, daughters Narela and Dinela and son Hamed. Together, they went to the UN checkpoint which was in immediate vicinity of the Post Office. As he arrived at the UN checkpoint, he found there Osman Suljić, municipal president and **Zulfo Tursunović, Commandant of the 281st Brigade together with his military police. The military police were set up there in order to prevent able-bodied men and soldiers to exit the town.** They were sending them back to the center, in front of the Command, under excuse that they should wait for further orders.[116]

In the following excerpt from the statement, eyewitness Halid Alić stated that a courier had delivered a message that all able-bodied men between 15 and 60 years of age were to report to the ARBiH 28th Division Command:

> The source informed us that he stayed in the town until 10 PM. Then he decided to look for his wife and children who had gone in the direction of the Garment Factory. He came to the factory, found his wife and children and stayed all night with them. **On 12th July**[117] **1995 around 9 AM, a messenger came and informed them that all able-bodied men aged 15-60 shall go back to the Command.** He left his family and headed to the Command which was located in Kutleća Rijeka. As they arrived in Kutleća Rijeka, they stayed there for a short period of time and then left to a meadow in the direction of Buljin. **After all able-bodied men and members of the ARBiH**

114 Statement of Halid Alić [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 14-1765, ICTY R1100644, October 17, 1995, Archives of the RCIRZ.

115 Halid Alić (ARBiH), son of Mehmed, born 2 January 1967 in Rađenovići, MZ Osatica, Srebrenica Municipality, resided in Srebrenica. Personal Rank: Private First Class. Personal VES: SAA. Marksman, anti-aircraft, Strela-2M Rocket Detachment, LARV PVO, 282nd IBLBR Srebrenica (ARBiH, 28th Division, 282nd IIBLBR Srebrenica, *List of Members* (01837702-01837761), Archives of the RCIRZ, p. 49).

LARV PVO - Light Artillery Platoon, Anti-Aircraft Defense.

116 Statement of Halid Alić, p. 1.

117 The event in question took place on 11 July 1995, rather than 12 July 1995.

> **gathered, all brigades had musters. According to the source's estimation, there were around 15,000 people at the muster.** He saw a number of young women and girls among those people.[118]

Eyewitness Halid Alić stated that the combat formations had another lineup in Buljim on 13 July 1995:

> They stayed in Buljin, on this meadow, for a whole day and night, **waiting for new orders of the Higher Command. However, as our source pointed out, on 13th July 1995[119] around 3 AM, musters were conducted in each brigade again, after which an order to move was issued and they started breakthrough towards free territory**. Our source also told us that his brigade – 282nd Brigade left Buljin not before 1 PM, in the direction of free territory.[120]

Isad Mujanović,[121] son of Avdulah (father) and Mejra (mother), née Ajamović, born on 4 April 1972 in Samari in Zvornik SO,[122] Muslim by nationality**, member of the ARBiH since 8 April 1992, assigned to the 284th bbr. (Mountain Brigade) Srebrenica**. In his statement, Isad Mujanović detailed the circumstances following the fall of Srebrenica, joining his brigade, and the staging of the ARBiH 28th Division brigades in Jaglić. Isad Mujanović stated the following:

> My wife and child were evacuated just before the fall of Srebrenica and I don't know where they are right now. **After the fall of Srebrenica, I joined my brigade, which was lined up at Jaglić together with the other brigades, and according to my assessment, there were around 15,000 men there.** On the way there, there was no major commotion, because the Chetniks were clearing up the terrain and so they did not infiltrate among us. However, when we set off in columns toward the free territory, chaos immediately ensued because **Chetniks had infiltrated among the troops, killing some individuals, slaughtering some,**[123] and along the way I saw three persons who had been slaughtered, and whom I did not know, but I learned from my travelling companion that there were many more.[124]

118 Statement of Halid Alić, p. 1.
119 The event in question took place on 12 July 1995, rather than 13 July 1995.
120 Statement of Halid Alić, p. 1.
121 Statement of Isad Mujanović given to the Security Organ [translated from BSH for the Commision], ICTY 02631965, September 14, 1995. Archives of the RCIRZ.
122 This refers to Zvornik municipality.
123 There has been no evidence that the Serb forces conducted infantry operations in the area from Šušnjari, Jaglić, on the Nova Kasaba – Konjević Polje road. The Serb forces operated with directed artillery fire from the locality of Rogač and from the road to Nova Kasaba, Konjević Polje, Sandići, Kravica, in the direction of the movement of the column. Due to exposure to heavy artillery fire, mayhem, panic, hallucinations, suicides and internal clashes between ARBiH 28th Division members ensued.
124 Statement of Isad Mujanović, p. 1.

After the fall of Srebrenica, the army headed for the staging area near Šušnjari and Jaglić on ARBiH 2nd Corps 28th Division orders. Following the formal demilitarization of Srebrenica, which was never actually carried out in practice, according to numerous sources,[125] considering the fact that over 6,000 soldiers remained on active duty. In addition to the active duty members, following the demilitarization the ARBiH 2nd Corps 28th Division also had a reserve component to be activated as needed, as previously stated. The reserve component was indeed activated during the events in Srebrenica in July 1995. On that occasion, they received orders that the members of the ARBiH 28th Division reserve forces were to report to the staging area in order to participate in the breakthrough towards Tuzla. One such member of the reserves was **Ismet Handžić,**[126] ARBiH member since 1992, assigned to reserve forces after the UN Security Council declared Srebrenica and Žepa safe areas in April 1993. This fact is crucially important to understanding the nature of the column and its composition from the point of view of the army and the civilians. The column included a large number of ARBiH 2nd Corps 28th Division reserve force members who had reported to duty on 28th Division Command orders. That claim is backed up by an excerpt from the statement given by **Ismet Handžić** to the ARBiH 2nd Corps Security Department, Tuzla, on 24 September 1995:

> **Ismet Handžić**, son of Juso (father) and Abida, maiden name Jakubović (mother), born on 27th July 1960 in Osmače, the municipality of Srebrenica. He resided there until April 1993 when he was driven out to Srebrenica with other citizens. Next, he resided in a part of Srebrenica called Crni Guber until 11th July 1995 when he was driven out towards the free territory. His nationality is Bosniak – Muslim, his religion is Islam, **he is a citizen of the RBiH and a member of the Army of the RBiH since April 1992. He had been serving in the company of the TO** (Territorial Defense) **from Osmače since April 1993; next he was in the 282nd Srebrenica Brigade (reserve forces that were engaged when necessary).**[127]

After that, Ismet Handžić details his path to Buljim, to the ARBiH 28th Division staging area, along with other members of the army and able-bodied men:

> During the occupation of Srebrenica, on 11th July 1995, I left to **the village of Buljim with other members of the Army and other able-bodied persons. We departed**

125 ARBiH 2nd Corps Command, Tuzla Garrison Command, *Formation of units of the reserve forces – Order,* strictly confidential number: 07-1160-3, Tuzla, 14.06.1995 ; Republic of Bosnia and Herzegovina, Srebrenica Armed Forces Staff, *Submission of data on the review of the formation structure of the Srebrenica Armed Forces in the previous period*, No. 664/93, September 19, 1993. Archives of the RCIRZ; ABiH, *Monografija* , p. 13; Republic of Bosnia and Hercegovina, Federation of Bosnia and Herzegovina, Ministry of Defense – Secretariat of Defense Tuzla, Srebrenica Municipality Department, *Report on Order*, Strictly Confidential No.: Tuzla Secretariat of Defense 11.6-164/95, April 6, 1995, Strictly confidential, No. 03-102-3/95, Srebrenica, June 1, 1995; Statement of Huso Salihović, Archives of the RCIRZ.

126 Statement of Ismet Handžić [translated from BSH for the Commision], BiH, ARBiH 2nd Corps Command, Security Department, No. SP. 06-101-160-57-1/95, ICTY 02631847, Tuzla, September 24, 1995, Archives of the RCIRZ.

127 Statement of Ismet Handžić, p. 1.

from Buljim on 12th July 1995 in the morning. We were in a column consisting of approximately 15,000 people, many of which were women and children.[128]

An analysis of the list of missing persons assembled by the ICMP in 2009 determined that a total of 7,692 persons had been reported missing, including 65 women, or 0.84% of the total number of missing persons on the ICMP list, and 80 persons under 16 years of age, or 1.04% of the total number of missing persons.[129] All able-bodied men between 15 and 65 years of age who been members of the ARBiH reserve forces, rather than active forces, reported to the staging area near the villages of Šušnjari and Jaglić for the breakthrough towards Tuzla on ARBiH 28th Division orders. Attached to the claim is a picture taken by Wade Goddard, Reuters, on 17 July 1995 in Tuzla. It depicts a 14-year-old boy with an AK-47 automatic rifle, sitting by the refugee camp after taking part in the breakthrough with the rest of the ARBiH 2nd Corps 28th Division soldiers.

128 Statement of Ismet Handžić, p. 1.
129 ICTY OTP, *The 2009 Progress Report*.

Regarding the events following the fall of Srebrenica and the breakthrough, the statements of the surviving 28th Division members tend to favor the term "citizens" over the term "soldiers", minimizing, that is, disregarding their combatant status, which is certainly a relevant fact in researching the circumstances following the fall of Srebrenica. That fact is also relevant to understanding what really happened in Srebrenica and on the road to Tuzla after 11 July 1995. As an example, below is an excerpt from the statement given by **Nazif Osmanović,**[130] son of Nurif, born on 25 April 1946 in Pribidol in Srebrenica municipality, to RBiH State Security Service, Tuzla Sector operatives on 20 December 1995. Nazif Osmanović spoke about the 15,000 citizens gathered at the staging area in Šušnjari, aged 15-65, who were organizing into brigades and starting the breakthrough:

> At around 15.20 hours on 11 July 1995, after the fall of Srebrenica, I headed with a group of citizens towards Šušnjari in Srebrenica municipality. When we arrived to Šušnjari, we were told to head for Buljim, where I found about 10,000 other citizens. The number of people gathered there was constantly rising, so about 15,000 **citizens were there by 20.00 hours. The citizens were 15 to 65 years of age. In addition to men fit for the army, there was a small number of young women.** Since representatives of the military and civilian authorities were at the assembly point, we expected the municipal president, Osman Šuljić, and the Commandant of the 28th Division, Ramiz Bećirović, to speak to us and give us guidance on our further movement, but nobody addressed us. **At around 03.00 hours on the morning of 12 July 1995, the brigades were lined up and headed towards Tuzla. However, about 5,000 citizens remained in Buljim and did not leave with the brigades.** In the morning, I found out from the citizens that during the night between 11 and 12 July 1995, the representatives of the civilian and military authorities had left for Tuzla together with the doctors and judges. At around 13.00 hours that same day, **Brigade Commandant Golić joined our group of about 5,000 citizens and told us to head towards Tuzla and that he would leave Buljim when the last soldier passed through.**[131]

Huso Salihović, son of Šemso (father) and Rahima, maiden name Alić (mother), was born on 8th August 1963 in the settlement of Moćevići, the municipality of Srebrenica, gave a statement to the ARBiH military security organs on 20 August 1995. He had been a member of the ARBiH since 18 April 1992, after which he was a member of the 9th Muslim Brigade. Salihović stated his affiliation with the ARBiH, as well as the exact designation of his military unit, in his statement. His status as a member of the ARBiH was verified based on that. As a soldier in the combat formation and a direct participant in the events, Salihović detailed the events immediately prior to and following the fall of Srebrenica and during the breakthrough to Tuzla. Huso Salihović described in detail the direction of the movement of civilians towards the UN base in Potočari, as well as the direction of movement of the army members towards the staging area in the village of Šušnjari, which he had participated in, according to his own statement. After that, soldier Sa-

130 Statement of Nazif Osmanović [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, Tuzla SDB Sector, No. 15-1/95, ICTY 01008158, December 20, 1995, Archives of the RCIRZ.

131 Statement of Nazif Osmanović, p. 1.

lihović estimated the strength of the combat formation and provided a detailed description of the lineup of the combat formations. Salihović detailed the composition of the men in the column, armed and unarmed members of the army, and civilians whom he described as able-bodied men. The military formation was not fully armed. The following is an excerpt from his statement:

> Tomorrow, on 11th July 1995 around 11 AM, Chetniks started going down to the town. I was in the centre of the town with a group of 20 people until 12 AM and then we went to the town exit and turned left through Kutlići towards Sućeska, while people were moving towards Potočari. Before Sućeska, we had heard that the rally point was in Šušnjari, so we got there around 11 – 12 PM. **All combatants and able-bodied** civilians gathered there, I think there were around 12,000 – 15,000 of them. Ahmo Tihić and I were looking for Ibran and Hamed Efendić when someone told us that they did not dare to go so they turned themselves in to UNPROFOR**. We had a line-up of brigades there**, and we left before dawn, since my group was among the last ones in the column. As far as I know, units' commandants were given some instructions and routes. I remember we were told at the start that killed should be left behind and wounded must be carried along. Big crowd was formed immediately before Chetniks' lines in Buljim because we were told their mines were laid there and we were waiting a long time to get into the column since we were walking one by one. As we were walking towards Buljim, around 500m behind me I heard detonations. I later learned that it was Chetniks' ambush and that they were shooting with M80s and a launcher. The column stopped somewhere at the exit from Buljim and entrance to Kamenica. A large group of people was formed there; people were waiting for night to cross the asphalt road behind Konjević Polje. **An hour and a half before it got dark, the brigades started lining up and it created the crowd. In that situation, armed soldiers came through and soldiers without weapons and civilians[132] stayed. We were told they were going to secure a free passage over the asphalt in Kaldrmica**.[133]

Nuriz Selimović[134], father's name Abid, Operations Officers of command of the 284th East Bosnian Light Brigade 28th Army Division, Rank: Lieutenant, gave a statement on the events following the fall of Srebrenica to the ARBiH military security organs on 26 July 1995. In his statement, Lieutenant Nuriz Selimović detailed the preparations of the ARBiH 2nd Corps 28th Division for the breakthrough to Tuzla. He also detailed the events following the breakthrough. Below are excerpts from his statement, unambiguously confirming the military status of the column breaking through from the direction of Srebrenica towards Tuzla:

> **Commandants of the 284th, 281st and 283rd Brigade met in the area of Viogor with other colonels and made a decision about a breakthrough.** We set off to Buljim early in the evening. Headquarters was in Buljim, as well as the gathering place of other brigades and units. We all gathered there and waited for further orders. **Command of the**

132 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the BiHARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

133 Statement of Huso Salihović, p. 10.

134 Statement of Nuriz Selimović given to the ARBiH military security bodies [translated from BSH for the Commision], ICTY 02631686, July 26, 1995, Archives of the RCIRZ.

> **28th Army Division with commandants of brigades were in Šušnjari, in SIDIK's house.** We gathered there around 10:30 AM. They invited me there to talk about the breakthrough. When I arrived there, RAMIZ – the commandant of the 28th Army Division asked me: What is the shortest and best way for all soldiers and most of civilians to cross? He told me I was allowed to choose men from all units the way I wanted and as many as I wanted for reconnaissance. I chose eight saboteurs from the 284th Brigade and one young man from the 283rd Brigade. He helped me on our way since he had already been in Tuzla once. From the other units, I chose 76 men – the size of a company.[135] Chief of Staff, Commandant RAMIZ BEĆIROVIĆ told me that I should not cross the asphalt road before them and that I was too tired to continue.[136]
>
> **… When we crossed the river, stirring started and we started losing control over the army.** Certain members of Command of the 28th Army Division lost respect for the order and discipline previously established and agreed upon at the beginning.[137]
>
> **… Army Division and I were trying to prove to people that the security had to stay on the asphalt in order to secure other people in the column**.[138]

Ismet Handžić,[139] son of Juso (father) and Abida, maiden name Jakubović (mother), born on 27th July 1960 in Osmače, the municipality of Srebrenica, ARBiH 28th Division member. In a statement given on 24 September 1995 to the ARBiH 2nd Corps Command military security organs, Ismet Handžić detailed the circumstances of the 28th Division lineup and the preparations for the breakthrough following the fall of Srebrenica. He said the following:

> On 11 July 1995, during the occupation of Srebrenica, I went together with other Army members and able-bodied people to a place called Buljim from where we set off in the morning of 12 July 1995 in a column of about 15,000 people among whom there were many women and children.[140] The column was about 11 km long because we were moving in a column of twos."[141]

Mirzet Smajić, son of Husein (father) and Asema (mother), née Klančević, born on 10 January 1974 in Tokoljaci in Srebrenica municipality, member of ARBiH since April 1992 as a member of the unit stationed in Tokoljac, no rank, serving as a marksman, after Tokoljac fell he moved to Srebrenica and was serving in the 2nd Company of the 2nd Battalion within the ARBiH 28th Division 282nd Brigade as a marksman.[142] According to his statement given to the ARBiH

135 Statement of Nuriz Selimović p. 2.
136 Statement of Nuriz Selimović p. 3.
137 Statement of Nuriz Selimović p. 3.
138 Statement of Nuriz Selimović p. 4.
139 Statement of Ismet Handžić, p. 2.
140 An analysis of the list of missing persons compiled by the ICTY OTP in 2009 determined that a total of 7,692 persons have been reported as missing, including 80 persons under 16 years of age, or 1.04% of the total number of missing persons on the ICMP list. It was determined that 701 of the missing persons were over 60 years of age, or 9.11% of the total number of missing persons (Brunborg et al., *The 2009 Integrated Report*).
141 Statement of Ismet Handžić, p. 1.
142 Statement of Mirzet Smajić [translated from BSH for the Commision], Army of the Republic of Bosnia

military security organs, 2nd Corps Command, Tuzla on 24 September 1995, Mirzet Smajić was a participant in the breakthrough and testified on the situation following the fall of Srebrenica. On that occasion, Mirzet Smajić detailed the lineup of military conscripts and other able-bodied men in the area of Buljim, on the orders of civilian and military authorities in Srebrenica.

> On 10 July 1995, pursuant to the order of the military and civilian authorities in Srebrenica, conscripts and other able-bodied people gathered in a place called Buljim, and the decision was made that we were to try to break through towards Kalesija. **There were between 2 and 3 thousand people, both soldiers and civilians,**[143] **in the column that I was in**.[144]

Refik Hamidović,[145] Assistant Commander of the Sabotage-Reconnaissance Platoon in the 28th Srebrenica Mountain Battalion, in a statement given on 6 August 1995, detailed the direction of movement of the army members after the fall of Srebrenica. further, Refik Hamidović detailed the staging of the ARBiH 2nd Corps 28th Division in the area of Jaglić, as well as the distribution of weapons to those who were unarmed, and the movement of the combat units. The following is an excerpt from his statement:

> I was in the hospital until 3 PM the next day, 11th July 1995. Chetniks used heavy force to strike again and broke through the newly formed lines. Trucks arrived in order to transport the wounded soldiers to UNPROFOR. I got on the truck, together with other wounded soldiers; however, there was no driver in the truck. At that moment, Commander of the platoon and other guys came to me and told me that I should go with them instead with the wounded ones. I agreed and got off the truck. **We set off towards Lipa, the rallying point of the 28th Srebrenica Mountain Battalion. The Commandant who withdrew from Srebrenica after 1 hour was also there; he means Ejub Golić. Before that, he had gone to UNPROFOR and collected the infantry weapons that had previously been handed over to UNPROFOR. After the weapons had been transported, he distributed them to the combatants who did not have any weapons. From there, we headed towards a place called Jaglići. We were supposed to arrive in Jaglići before 10 PM; however, we did not arrive on time. Instead, we arrived at dawn, around 5 AM. All combatants had already gone.** We caught the first daylight there. Chetniks saw us and started shelling. We had no other choice but to start moving. We passed the first Chetniks' Line without any problems. Deep into the Chetniks' territory, around 1 km inside, they set up an ambush. I had passed this place before…[146]

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and Herzegovina,Command of the 2nd Corps, Security Department, No.SP. 06-101-160-57-1/95, ICTY 02631851, Tuzla, September 24, 1995, Archives of the RCIRZ

143 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the BiHARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

144 Statement of Mirzet Smajić, p. 5.

145 Statement of Refik Hamidović [translated from BSH for the Commision], Assistant Commander of the Sabotage-Reconnaissance Platoon in the 28th Srebrenica Mountain Battalion, ICTY 02631670, August 6, 1995, Archives of the RCIRZ.

146 Statement of Refik Hamidović p. 1.

The statement of **Vejiz Šabić,**[147] Commandant of the 284th East Bosnian Light Brigade, given to ICTY investigators on 8 and 9 April and 16 May 2002, is a significant document proving that the column had been a military formation. In his statement, Commander Šabić detailed the circumstances of the fall of Srebrenica and the message from the courier from the ARBiH 2nd Corps 28th Division Command saying that the army should gather in the area of Šušnjari. In his statement, Commander Vejiz Šabić said the following:

> 10-11 July 1995
>
> At that moment I knew that Srebrenica will fall and we had to look for a solution for ourselves. At that moment Zulfo TURSUNOVIĆ was with me and he was the Commander of the 281 Light Infantry Brigade. Hakija MEHOLJIĆ, who was the Commander of the MUP in Srebrenica. **At that moment a courier came to us and told us that Srebrenica had fallen and that we should start to move towards Šušnjari. The courier told me that he received that order from the HQ of the Division**.[148]

Commander Vejiz Šabić further spoke about the staging in Šušnjari, as well as the meeting of the 28th Division brigade commanders, and the plan for the movement of the units in the breakthrough:

> **Once in Šušnjari around 17:00 and 18:00 we arrived and I saw a lot of civilian[149] and military people.** Since there was people already there, we were told that some commanders were waiting in a house. We went to house and we met with Ibro DUDIĆ, Amir KULAGLIĆ, Ibrahim MANDŽIĆ and some municipal leaders. The meeting was held in Sidik ADEMOVIĆ's house who was the assistant Commander for security in 280 brigade. He was present during the meeting. BEĆIROVIĆ tried to establish communication with Tuzla. At that time we made the decision that the only remaining solution was to start walking towards Tuzla. At this time it was around midnight on July 11 to 12th and the decision was made that we all start walking toward Tuzla. Since almost all people from my unit were from the area of Sandići, Konjević Polje, Cerska, Kamenica and further towards Tuzla we assumed that we knew the area the best and I received the task to lead the column towards Tuzla. During that meeting Ejub GOLIĆ arrived, he was the commander of an Independent battalion within the 28th Division. Also I learned that TURSUNOVIĆ was with us at that point.[150]

Further, in his statement to the ICTY investigators, Commander Vejiz Šabić detailed the movement of his unit in the direction of Tuzla across the Serb-controlled territory. He stated the strength of his unit, as well as their combat formation and responsibilities:

147 Statements of Vejiz Šabić, the 284th IBLBR Commander, given to the ICTY investigators, ICTY 02199363, April 8 and 9, and May 16, 2002, Archives of the RCIRZ.

148 Statements of Vejiz Šabić, p. 3.

149 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the BiHARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

150 Statement of Vejiz Šabić, p. 4.

12 July 1995

Around 00:30 on 12 July I started with my unit to walk towards free territory. I explained to my unit what was our next task. My unit had approximately 3000[151] men so because of the size of my unit I split into smaller units. I gave an order to my Chief of staff DEDIĆ Ejub and he became responsible for the communication for these different units. I took over the unit for reconnaissance, discovery and breaking through enemy lines. I had a reconnaissance unit of approximately 15 people who were walking a couple of hundreds meters in front of the unit. Sometimes even much further in front of the unit, couple of kilometres sometimes. **When I left Šušnjari we were approximately 150 people. I had taken from the different units the best soldiers to form my unit.**[152]

Eyewitness and breakthrough participant Commander Vejiz Šabić further details in his statement the circumstances of the military operation and the dilemma of whether to return for the people who had become cut off from the column or continue towards Tuzla. Under artillery fire by the Serb forces, they had made the decision not to return, but continue forward. In an excerpt from his statement, Šabić detailed his unit's supply of uniforms. According to him, only about 30 people owned uniforms, which is a minuscule figure considering the 3,000 under his direct command. That fact indicates that the column included ARBiH 2nd Corps 28th Division members clad in civilian clothing, and that they were not civilians, but soldiers. The following excerpt from the statement backs up these claims:

13th July 1995

There was a meeting with BEĆIROVIĆ and all commanders. We expected Ibro DUDIĆ[153] to arrive soon and we tried to establish the truth in all the rumours that we heard. We had to make a decision about going back to help the people who were cut off behind us or to continue walking towards Tuzla. We took everything into consideration as much as we could because we were not either trained or psychologically prepared for this type of operation. I suggested that someone replaces me and I would go back to help the people who were cut off behind. Just about that time we received an information that part of the column who was cut off behind managed to crossed with DUDIĆ and they were walking towards us. It turned out later on that it was not true. Around 15:00 and 16:00 the Serbs started to shell Udrč Mountain from Liješanj area and we made a quick decision to continue walking toward Tuzla and I was leading the column with my unit. **Some of the soldiers in my unit were wearing uniform. I personally was wearing it, but must of the people were not. In my unit only 30 men were wearing uniform**.[154]

151 In his statement, Commander Šabić said that his 284th IBLBR had 3,000 men. It should be kept in mind that the ARBiH 28th Division consisted of a total of five light infantry brigades: the 280th, 281st, 282nd, 283rd, 284th, 285th. Taking into consideration the fact that the column consisted of about 12,500 people, it can be reasonably assumed that the vast majority of participants in the column were ARBiH active or reserve duty members.

152 Statement of Vejiz Šabić, p. 4.

153 One of the commanders (Ibro Dudić) who had been left behind Vejiz Šabić's section of the column at the time of the heavy artillery strike, never reappeared with his army. Ibro Dudić, son of Husein, born on 27 August 1969 in Srebrenica, reported missing at Konjević Polje, 14 July 1995. This individual is listed on the missing persons lists at the ICMP and the Potočari MO.

154 Statement of Vejiz Šabić, p. 6.

Dana Ristanović,[155] daughter of Božidar (father) and Nada Filipović (mother), born on 27 October 1963 in Ljubovija, the municipality of Ljubovija, Republic of Serbia. She was employed in the Srebrenica SJB (Public Security Station) as an administrative technician. Dana Ristanović was a participant in the column during the breakthrough to Tuzla, along with ARBiH 2nd Corps 28th Division members. In a statement given to the RBiH State Security Service, Sector Tuzla on 14 September 1995, she detailed the lineup of the ARBiH 2nd Corps 28th Division brigades in the locality of Sućeska:

> On 11th July 1995 at the gas station in Srebrenica, the source, Mehmedalija Dedić, Zijo Dudić, Habaz Krdžić and Benjamin Krdžić headed off towards Sućeska and the Kotlić River. She met her common-law husband Atif in Sućeska, where he lined up his 282nd Brigade. Besides the 282nd brigade, there also were 283rd and 280th Brig,ade, Mountain Battalion commanded by Ejub Golić, medical teams with doctors and representatives of civil authorities. All brigades were lined up, but it was decided that the 282nd Brigade and the Mountain Battalion go at the rear of the column.[156]

Participant in the column Dana Ristanović also provided additional detail regarding the military formation status of the people who had been killed during the breakthrough. The eyewitness detailed the case of the military police commander Mirza, who was killed in the breakthrough:

> Since the source had been accused by the Serbia SDB operative of falsifying ID cards for Naser's[157] needs, she explained those circumstances. Namely, on 5th April 1992, Naser Orić talked to the source and asked her to falsify 4 IDs with Serbian names; i.e. for him, for Amir Salihović alias Arkan, for Smajo Mandžić and for **certain Mirza who was a commander of the military police and who was killed in a breakthrough**.[158]

Fadil (Adil) Mehmedović,[159] born 2 May 1975 in the Slatina Municipality, joined the ARBiH on 1 January 1993,[160] according to his own statement given to the ARBiH military security organs. He testified on the events following the fall of Srebrenica and the lineup of the ARBiH 2nd Corps 28th Division in Šušnjari:

155 Statement of Dana Ristanović Ristanović [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of Interior, State Security Service, Tuzla SDB Sector, No. 14-1597, ICTY R1100612, September 14, 1995, Archives of the RCIRZ, pp. 5-6.

156 Statement of Dana Ristanović, pp. 5-6.

157 Naser Orić, ARBiH 2nd Corps 28th Division Commander.

158 Statement of Dana Ristanović, p. 3.

159 Statement of Fadil Mehmedović [translated from BSH for the Commision], ARBiH, 281st IBLBR Command, Security Body, No. 06/06-2, ICTY 07034962, July 30, 1995, Archives of the RCIRZ, p. 1.

160 Fadil Mehmedović, (ARBiH), son of Adil, born 2 May 1975 in Slatina, MZ Sućeska, Srebrenica Municipality, resided in Slatina. Issued an M-4 in the ARBiH. Marksman in the 1st Detachment, 2nd Company, 1st LPČ, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members* [original name: Armija BiH, 28. divizija, 281. IBLBR Sućeska, Spisak pripadnika], Archives of the RCIRZ, p. 15).

> I was distraught when we received the message to abandon our village where we held a meeting on how to move toward our people in Tuzla. **We arrived in the village of Šušnjari, where we encountered all of the other brigades from the Srebrenica area. We lined up there and set off towards Tuzla.** When we arrived to Pobuđe in the village of Kamenica, we were able to take a small break.[161]

3.2. Participants in the Column/Eyewitness Accounts

The statement of **Hamed Jašarević,**[162] son of father Mehmedalija, mother Sejda née Omerović. Born 6 January 1977 in Pobuđe, statement given to the Republika Srpska Ministry of the Interior officials, Public Security Center Bijeljina, Bratunac Police Station, on the circumstances following the fall of Srebrenica. The column moving towards Tuzla mostly consisted of able-bodied men, many of whom were carrying firearms. That claim is supported by the statement of Hamed Jašarević, who had been headed towards Žepa with a group of soldiers after arriving to the area of Kravica, where there had been active fighting. In his statement, Jašarević details the combat composition of the groups and the types of weapons they had. Among other things, the eyewitness stated the following:

> I no longer know where the large group that had stayed on Mratinci and Buljim went later, but I can point out that the large group included men of various ages and no women and children, **and the men were between 15 and 60 years of age and many were carrying firearms**. I had also noticed that the men going towards Kravica, i.e. descending towards Kravica, were mostly those who had lost their weapons, while those still armed for the most part did not want to surrender. In the village of Krainovići, I encountered a teacher of mine, Muhidin Siričić, who was with **a colleague of his who had an automatic rifle, and we were joined by a group of around 120 mostly armed men,** whom I had taken to my home on Gaj in Pobuđe, as I was familiar with the road, and there my neighbor Hurem Salkić took over the group and led us to Žepa. **I had spent 8 days at the frontline in Žepa**, where my cousin Osmo Jašarević was killed, and he was not buried, but was left at that location. The same day, Commander Neđad came to see us at the frontline and notified us that our frontline was about to fall and that Avdo Palo, the Žepa commander, had surrendered, and he suggested that we surrender as well, pointing out that the road to Kladanj had been opened and that **soldiers could use it to safely move towards Kladanj. I left Žepa with 120 soldiers and arrived to Kladanj with them**. I later learned that Avdo Palo had cheated us, i.e. lied that the Žepa commander had surrendered, and that we had been betrayed by the UNPROFOR.[163]

161 Statement of Fadil Mehmedović, p. 1.

162 Statement of Hamed Jašarević [translated from BSH for the Commision], Republic of Srpska, Ministry of the Interior, Public Security Center Bijeljina, Bratunac Police Station, No. 12-1-7/02-230-49403, August 27, 2003, Archives of the RCIRZ.

163 Statement of Hamed Jašarević pp. 2-3.

Mujo Rahmanović,[164] son of Salčin (father) and Šuhra, maiden name Salkić (mother), born on 6th May 1960 in Potočari, the municipality of Srebrenica, gave a statement on the circumstances of the breakthrough to Tuzla to the State Commission for Gathering Facts on War Crimes in the Territory of the RBiH on 18 August 1995. On that occasion, he stated that the column had been moving towards Tuzla, while being constantly exposed to artillery fire from the Serb forces, and that there were clashes. During the breakthrough, the units that got split up would gather and line up at previously determined locations, among others, in Kamenica, which is 8 to 10 kilometers away from Jaglići and Šušnjari, the staging area for the breakthrough. Mujo Rahmanović is recorded in the ARBiH 2nd Corps 28th Division documents as an active duty member.[165] In his statement, Mujo Rahmanović said the following:

> Before the line-up in Kamenica, they brought the wounded ones. There were not so many. We all gathered there. We elected municipal leaders and leaders of the department store. **We elected manoeuvre and sabotage platoons.** We elected the family of the commandant N.O.[166] The aim was to get a group of around 2,000 people to cross to the free territory of Tuzla. People were pushing, trying to move forward.[167]

A **protected witness statement,**[168] in his own words a member of the ARBiH 2nd Corps 28th Division, given to Jean-René Ruez, Chief of the ICTY investigation team, on 9 October 1998, 11 October 1998 and 3 December 1998 indicates the fact that the column was composed of army members, although many were not wearing uniforms. The protected witness was captured by the Serb forces in the area of the Konjević Polje – Kravica road, near the village of Sandići. The protected witness stated that he had never been able to obtain a uniform during his entire military service, and on the circumstances of his capture and the status of the detainees, he stated the following:

> The meadow was full of captives. **In my estimate, at least three thousand of us were sitting there.**[169] **Most of the captives were behind me. None of us were wear-**

164 Statement of Mujo Rahmanović [translated from BSH for the Commision], State Commission for Gathering Facts on War Crimes, No. 01-0585 95, ICTY 00442913, Živinice, August 18, 1995, Archives of the RCIRZ.

165 Mujo Rahmanović, (ARBiH), son of Salčin, born 6 May 1960 in Budak, MZ Potočari, Srebrenica Municipality, where he also resided. VES and JNA rank: Driver. Assigned to Kar. 75651 in the ARBiH. Drummer (handed over to the UN). Member of the Potočari Brigade, driver in the MB – 60mm Detachment, 1st LPČ, 280th IBLBR Potočari (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 18).

166 The abbreviation is most likely the initials of Naser Orić.

167 Statement of Mujo Rahmanović, p. 5.

168 Statements of a protected witness given to the ICTY the investigators, ICTY 00700892, October 9 and 11, 1998 and December 3, 1998, Archives of the RCIRZ.

169 Based on research, the number of detainees at the meadow in the village of Sandići cited in the protected witness's statement has been blown out of proportion. The witness stated that most of the detainees were seated behind him. That part of the statement is contradictory, as it begs the question of how he could have estimated the number of detainees if he was unable to see most of them. For more details, see Section 4.1. Prisoners of War.

> **ing military uniforms, because not many soldiers had uniforms, and those who did have such clothes they had thrown them away before they surrendered. I personally never managed to get a uniform.** The soldiers who were guarding us wore various kinds of military clothes. I described one of them in my previous statement.[170]

Active duty members of the 28th Division, the reserve forces and the able-bodied men between 15 and 65 years of age had set off to Šušnjari on orders from the 28th Division Command. As an example, we cite the Official Record of the Informative Interview of ARBiH 2nd Corps 28th Division member **Sadik Kovačević**, son of Smajo and Raha Mujkić, born 10 October 1977 in the village of Pećі, Srebrenica Municipality, with the RBiH State Security Service, Tuzla Sector on 13 October 1995.[171] In that interview with a state security operative, Sadik Kovačević declared as a civilian who had joined the military lineup and set off towards Tuzla. Below is an excerpt from the official records:

> At the beginning of the interview, the source stated that he had abandoned his residence in May 1992 due to the war activities and fled to Srebrenica with his mother. However, when the Chetniks occupied Srebrenica in mid-July 1995, the source set off as a civilian[172] along with the army towards the villages of Kazani and Buljim. There was a lineup[173] in the area of Buljim, and then it was decided to head towards the free territory.[174]

The statement of the captured and later exchanged ARBiH member **Ševal Ademović**[175] confirms that the column breaking through from the Šušnjari region towards Tuzla was indeed a military formation. In a statement given on 19 January 1996 to the Agency for Research and Documentation (AID),[176] Tuzla Sector, Ademović stated that he and his sons had joined the breakthrough towards Tuzla and that they had been members of the ARBiH 2nd Corps 28th Division 281st Brigade, and further testified on the strength of the column and the victims of the VRS attack. Breakthrough participant and 28th Division member Ševal Ademović[177] said the following in his statement:

170 Statement of a protected witness given to the ICTY investigators.

171 Sadik Kovačević is logged into the 28th Division military files on the list of out-of-school youth born in 1977, 210794 (ARBiH, 28th Division. *List of out-of-school youth born in 1977* [original name: Armija BiH, 28. divizija, Spisak vanškolske omladine rođene 1977. godine], Archives of the RCIRZ, p. 7).

172 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

173 The term "lineup" (Serb. *postrojavanje*) is not typically used to refer to civilians and usually only refers to the activity of military, police or similar formations.

174 Statement of Sadik Kovačević [translated from BSH for the Commision], Official Record of the Informative Interview, RBiH, State Security Service, SDB Tuzla Sector, ICTY 00371749, dated October 13, 1995, Archives of the RCIRZ.

175 Statement of Ševal Ademović [translated from BSH for the Commision], Bosnia and Herzegovina, Agency for Investigation and Documentation, Tuzla AID Sector, ICTY 01008095, January 19, 1996, Archives of the RCIRZ.

176 Agency for Information and Documentation (An intelligence agency under Muslim – Bosniak control)

177 Ševal Ademović, son of Salih, born 29 January 1959 in Podosoje, MZ Sućeska, Srebrenica Municipality, resided in Podosoje. Personal VES: 11101. Ademović is logged in ARBiH 28th Division files as a

> **On 12 July 1995, I and my two sons, Jusuf and Šefik[178], headed together with our 281st Brigade for a breakthrough towards Tuzla, and our route took us towards Kravica, Kamenica, Kušlat, Snagovo, Baljkovica, and Memići, where I was captured.** At the very beginning of our breakthrough towards Tuzla, the Chetniks[179] started shelling the column, in which there were roughly between 10 to 15 thousand people, in the vicinity of Kravica.[180]

The statement of **Nedžad Ahmetović,**[181] ARBiH 28th Division member[182] captured by the Serb forces during the breakthrough, later exchanged, also confirms the claim that the column was a military formation. As a witness in a hearing, Nedžad Ahmetović stated the following on 9 March 2006 to the State Investigation and Protection Agency officials:

> I was born in Srebrenica on 12 January 1953, at nn. Crni Guber St. I am a geodetic engineer by trade. Prior to the outbreak of armed conflict in BiH, I was permanently employed at the Lead and Zinc Mine in Srebrenica, where my title was Chair of the Measurement Department, and I resided in Srebrenica. immediately after the war broke out, I actively joined the defense of Bosnia and Herzegovina, where I was a member of the ARBiH **between 15 May 1992 and 1 June 1996. After being demobilized from the ARBiH on 1 July 1996, I joined the Federal Ministry of Defense**.[183]

Breakthrough participant and eyewitness **Nedžad Ahmetović** stated to the State Investigation and Protection Agency officials that he joined the breakthrough towards Tuzla along with the rest of the ARBiH 2nd Corps 28th Division members after the fall of Srebrenica:

> After the fall of Srebrenica, **I joined the breakthrough towards Tuzla along with other members of the 28th Division organized into groups**. On 13 July 1995, after I became unable to keep up with the rest of the group due to exhaustion, I split off and

member. Issued an M-48 in the ARBiH. Wheeled vehicle electrician in the Technical Maintenance Detachment, Technical Platoon, Logistics Company, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 57).

178 Jusuf Ademović, son of Ševal, born 6 February 1975, missing since 30 August 1995, Žepa. Šefik Ademović, son of Ševal, b. 10 March 1979, reported missing in July 1995 in Kravica. (ICTY OTP, *The 2009 Progress Report*).

179 Name for a member of the Yugoslav Army in the Fatherland, which fought during the WW. Muslims used it as a derogatory nickname for Serbs in the 1990s.

180 Statement of Ševal Ademović, p. 1.

181 Statement of Nedžad Ahmetović [translated from BSH for the Commision], Bosnia and Herzegovina, Ministry of Security, State Agency for Investigations and Security, No. 17-0412-04-2 151/06, ICTY 0558-6391/0558-6396, March 9, 2006, Archives of the RCIRZ.

182 Nedžad Ahmetović (ARBiH), son of Avdo, b. 12 January 1953 in Srebrenica, resided in Crvena Rijeka, MZ Srebrenica, Srebrenica Municipality. Personal rank: Soldier. Personal VES: 11314 (21801). 1st Squad, Communications Platoon (Radio-Telegraphers) Commander, 280th IBLBR Potočari; Radio Detachment Commander, Communications Platoon, 8th OG Srebrenica Command; Squad Commander and Encrypter in the DPZ Communications Platoon, Cryptographic Security Officer in the Communications Organ, 28th dKoV Command. Logged in Srebrenica SO files (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 11).

DPZ – Social-Political Community; dKoV – Division of the Land Army; SO – Municipal Assembly.

183 Statement of Nedžad Ahmetović, p. 1.

> descended the Udrč and was captured by the Serb aggressor, this was in the locality of Kušlat near Drinjača, where a group of Serb soldiers with two trucks was repairing one of them. Immediately after I was captured by those soldiers, they transferred me to the facilities of some factory in Karakaj, where I noticed more detainees from the Srebrenica area upon my arrival.[184]

Bego Salihović,[185] son of Ramo (father) and Rejha (mother), born Đerić, born on 28 September 1944 in Pale village in Srebrenica municipality, in a statement to the ARBiH military security organs testified to the nature of his column as a member of the ARBiH 2nd Corps 28th Division:

> **I was a member of the RBiH Army in the 280th Brigade, but I did not have weapons and I was deployed from time to time to execute various tasks.** I was recruited in October 1992. I used to live in Pale village near Srebrenica until 11 July 1995 when our troops came and told us that we had to leave the village because the Chetniks had occupied Srebrenica.[186]

The following example of the participation of ARBiH members in the breakthrough towards Tuzla comes from Mevludin Hrnjić, a religious minister and member of the army.[187] Excerpt from the statement of **Mevludin Hrnjić**[188] to ARBiH security organs:

> **Mevludin Hrnjić**, son of Mehmed (father) and Mejra (mother) née Suljić, born on 8 January 1971 in Kamenica in Zvornik SO,[189] Muslim, not married, a religious official by occupation, employed in Karakaj, member of the ARBiH since 8 April 1992, assigned to the 6th Kamenica Detachment and later to the 284th Srebrenica bbr. (Mountain Brigade).[190]

The following example of the participation of ARBiH members in the breakthrough towards Tuzla is the statement of **Kemal Mujić**[191] to the military security organs following

184 Statement of Nedžad Ahmetović.

185 Statement of Bego Salihović, [translated from BSH for the Commision], ARBiH 2nd Corps Command, Security Department, No. sp. 06-101-160-57-1/95, ICTY 02631851, Tuzla, September 24, 1995, Archives of the RCIRZ.

186 Statement of Bego Salihović p. 5.

187 Melvudin Hrnjić is logged in ARBiH files as its member: Mevludin Hrnjić, (ARBiH), born in 1970 in Kamenica. Previous congregation: Karakaj, congregation since 1995, Srebrenica (ARBiH, 28th Division, 190695, *List of Imams in Islamic Community Organization Srebrenica* [original name: Armija BiH, 28. divizija, *190695 Spisak imama u OIZ Srebrenica*]. EAE8L6OC, Archives of the RCIRZ p. 2).

188 Statement of Melvudin Hrnjić [translated from BSH for the Commision], ARBiH, 2nd Corps Command, Security Department, No. SP. 06-101-160-77/95, ICTY 02631840, Tuzla: October 10, 1995, Archives of the RCIRZ.

189 This refers to Zvornik municipality

190 Statement of Melvudin Hrnjić, p. 1.

191 Statement of Kemal Mujić [translated from BSH for the Commision], ARBiH, 2nd Corps Command, Security Department, No. SP. 06-101-160/95-11, ICTY 02631788, September 2, 1995, Archives of the RCIRZ.

the fall of Srebrenica. The statement says that Kemal Mujić is a member of the ARBiH:[192]

> Kemal Mujić, son of Muradif (father), was born on 12th February 1975 in Srebrenica, the municipality of Srebrenica. He is a third year student at the Electrical Engineering High School and a member of the 280th East Bosnian Light Brigade.[193]

Based on the presented material contained in the statements of the survivors from the column breaking through from the direction of Srebrenica towards Tuzla, ARBiH-controlled territory, it is possible to draw the conclusion that the column had been a military formation composed of able-bodied men and a very small number of women and people under 16 or over 60 years of age. Civilians and a small number of able-bodied men had been headed for the UN base in Potočari. The military column was composed of 28th Division members and reserve force members. The military column was poorly supplied in weapons and especially in uniforms, seeing as only a few men owned uniforms at all. Most of them carried infantry weapons, hunting weapons, grenades and explosives. A certain number of participants in the column were unarmed.

4. Fights/Casualties

The evacuation of Srebrenica took part in two large groups. One of the groups was comprised of about 230,000 civilians who were on the premises of the UN base in Potočari. The second group was comprised of members of the ARBiH 2nd Corps 28th Division (further: ARBiH 28th Division), which consisted of its active members and reserve force members, that is, the rest of the able-bodied population. The strength of the column was around 12,500 people distributed between six light infantry brigades: the 280th, 281st, 282nd, 283rd, 284th, 285th Brigades, and the 28th Independent Mountain Battalion.

The Serb forces engaged in the military operation "Krivaja-95" consisted of a unit of the VRS Drina Corps (Bratunac and Milići Brigades and the Skelani Independent Battalion) and forces from other VRS Drina Corps units (Zvornik, Šekovići, Romanija and Vlasenica Brigades, and the MUP RS).[194] It is estimated that the Serb forces were about 4,000 fighters strong. There were clashes between the Serb forces and the ARBiH 28th Division forces along the entire route of movement. The fighting took place on territory controlled by the VRS, as it operated against the enemy military formation moving towards territory under its control.

192 Kemal Mujić is logged in 28th Division files as its member: Kemal Mujić, (ARBiH), son of Muradif, b. 12 February 1975 in Fojhari, MZ Gostilj, Srebrenica Municipality, where he resided. Issued a PAP 52077 rifle in the ARBiH. 3rd (Engineer) Detachment Scout, Pioneer Platoon, 280th IBLBR Potočari, reserve forces (280th IBLBR Potočari) (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 60).

193 Statement of Kemal Mujić, p. 1.

194 Drina Corps Command, *Krivaja 95 Order*, Strictly Confidential No. 01/04-156-1, July 2, 1995, [original name: Komanda DK, Naređenje Krivaja 95 (cyr)], Archives of the RCIRZ

Testifying as a witness during an interrogation by Mr. McCloskey at the trial of VRS General Ratko Mladić, ICTY's Chief investigator Jean René Ruez stated that the ARBiH 28th Division barely suffered any losses during the breakthrough, and that most of the casualties were civilians. He said that the 28th Division had 6,000 armed fighters and that 6,000 fighters arrived to Tuzla. This is an obviously incorrect and factually unproven claim.[195] This chapter will analyze statements from ARBiH members who survived the breakthrough, and their experiences and own view of the events. It should be noted that the statements were largely obtained shortly after the breakthrough by Bosniak civilian and military security organs, as well as the ICTY and other relevant institutions. The credibility and informative value of those statements is high, considering the sources, who had directly participated in the events, and the brief time passed since the events, which allowed for a faithful interpretation of the events with an abundance of details. In addition, the validity of those statements is indisputable from the aspect of the authority of organs which obtained the statements.

The following text has been split into three parts. The first part details the fighting and the casualties between the staging area in the villages of Šušnjari/Jaglići and the Nova Kasaba – Konjević Polje road. The second part deals with the fighting and casualties between the Nova Kasaba – Konjević Polje road and the demarcation line, that is, the ARBiH-controlled territory. The third part details mass suicides of ARBiH 28th Division members, killings within the ranks, and infighting in the ranks.

4.1. Fighting and Casualties between Šušnjari/Jaglići and the Nova Kasaba – Konjević Polje Road

Between afternoon and midnight of 11 July 1995, ARBiH 28th Division members gathered for staging in the area of the villages of Šušnjari and Jaglići. After being organized into brigades and receiving orders from the ARBiH 28th Division Command, the units on the front of the column began the breakthrough towards Tuzla across Serb-controlled territory around 0130 hours on 12 July 1995. The column was single-file, and thus, several kilometers long.

195 *Prosecutor v. Ratko Mladić*, Case No. ICTY IT – 09 – 92 – T, Testimony of Jean René Ruez, April 11, 2013, accessed August 20, 2020, https://www.icty.org/x/cases/mladic/trans/en/130411IT.htm.

> The Witness: As I said, the men who assembled in Susnjari, these men were mainly of two groups, the 28th Division of the BiH Army. The enclave had never been demilitarized despite the agreements these soldiers were armed. There were approximately 6,000 among a crowd of 15,000. The others were mainly unarmed but some had also weapons, and there was a very small army group at the end of this column. So we – 28th Division went in front, first the -- all these people had to cross a minefield, so they opened a very small path. (pp. 9653-9654)
>
> Judge Fluegge: May I put a question at this point in time. Mr. Ruez, obviously you have not been present while the column was moving. What is the source of your knowledge about the number of people in the column, which part of the column was composed of soldiers, armed soldiers and others? What is the source of your knowledge of all these details?
>
> The Witness: It is multiple sources in fact, it's a combination of several witness statements from people who made this movement as well as the Bosnian Serb Army. 6000 armed men arrived alive - -in Tuzla, members of the 28th Division. So army in front, people behind. it's -- it's an indication given by many – many witness. And the final result, as we know, as the Defence know also, the main target of this operation fled, which is to say, the 28th Division. Most of it, let's say. (p. 9655)

Keeping in mind that the rear of the column remained at the site in Šušnjari/Jaglići until around noon on 12 July 1995, the VRS spotted a part of the column in the region of Ravni Buljim early in the morning on 12 July 1995 and opened fire. According to eyewitness statement, between 500 and 1,000 people died in that artillery attack.

In the late afternoon on 12 July 1995, part of the ARBiH 28th Division column was attacked in the area of the village of Šiljkovići. The ARBiH 28th Division suffered heavy losses in manpower in that attack. Based on previous agreement, the village of Kamenica was designated as the ARBiH 28th Division staging area, that is, the location where they would wait for the rear of the column, which was around 10 kilometers long. The front of the column arrived at the village of Kamenica, Bratunac Municipality, around 10 o'clock on 12 July 1995.

In the evening of 12 July 1995, the ARBiH 28th Division reorganized into brigades in the area of the village of Kamenica. The same evening, the VRS commenced an intense artillery attack. According to eyewitness statements from ARBiH 28th Division members who were interviewed by military and civilian security services, between 2,000 and 3,000 people were killed in that attack. In the evening of 12 July 1995, the ARBiH 28th Division Command made the decision that the 28th Division active forces should begin breaking through the Nova Kasaba – Konjević Polje road. In accordance with that, they decided that the ARBiH 28th Division reserve forces should remain in the region of Kamenica and wait for the active forces to come back for them. ARBiH 28th Division 282nd Brigade remained in that part of the column, along with Brigade Commander Ibro Dudić.[196] That decision led to confrontations and infighting between the ARBiH 28th Division members.

In the late afternoon and evening of 12 July 1995, the VRS began an intense combat operation in the area between the village of Mratinci and Konjević Polje. During the night between 12 and 13 July 1995, the ARBiH 28th Division members, left in the Kamenica region against their will, started fighting between themselves. Chaos and mass panic descended and fighting broke out from the village of Kamenica towards Konjević Polje. Eyewitnesses stated that around 1,000 people from the column died that night on that stretch of route.

Early in the morning on 13 July 1995, between 4 and 8 o'clock, ARBiH 28th Division units crossed the Nova Kasaba – Konjević Polje road. According to eyewitnesses, there were 500 to 1,000 casualties in the breakthrough across the asphalt road.

In the area of the village of Sandići, ARBiH 28th Division units attempted to cross the asphalt road. Fighting broke out in the Sandići area. even though orders were that the front of the column should return for the rest of the column, which had been left behind in the Kamenica village area, that never happened. The rest of the column was left surrounded by Serb forces.

On 13 July 1995 between 0900 and 1500 hours, the VRS blocked the Nova Kasaba – Konjević Polje road. Groups of people from the column surrendered in the village of Sandići, and more groups did so in Nova Kasaba.

196 Brigade Commander Ibro Dudić was assassinated at that locality in 1997.

The following are excerpts from statements of breakthrough survivors, confirming the aforementioned claims.

Kadrija Muratović, son of Esed, born 15 January 1973 in Pale, Srebrenica Municipality, in his own words, member of ARBiH 28th Division 280th IBLB, in his statement no. 01185372 given to the ICTY in Sarajevo on 18 October 2002 detailed the suffering of participants in the column caused by shelling in the village of Jaglići at the very beginning of the breakthrough, and especially in the locality of Kamenica on 12 July 1995. In Kadrija Muratović's words, thousands of participants in the column died on this occasion. The following is an excerpt from the statement of Kadrija Muratović:

> On 11 July 1995, I set off with the above-mentioned group from Jaglići in Srebrenica municipality through the forest in the direction of the free territory. **I know that three persons of Bosniak nationality were killed and a number of them were wounded in the shelling of the Jaglići village area, but I do not know the names of killed or wounded Bosniaks. In the forest, I saw mutilated dead bodies of Bosniaks,** but I do not know their names. **I would particularly like to point out that in Kamenica village, Serbian soldiers set up an ambush and killed thousands of Bosniaks, and at the same time they also used poison gas.**[197]

Osman Halilović,[198] born 11 April 1960, member of the ARBiH, in his statement given to ICTY investigators on 14, 15 and 16 August 1995, detailed the movement of the ARBiH 28th Division column from the staging area in the village of Šušnjari and the entrance of the column to the Serb-controlled territory, after which the Serbs launched an artillery attack which inflicted massive losses in manpower on the ARBiH 28th Division:

> From Šušnajri [sic] we crossed over the confrontation line between Bosnian Serbs and BiH Army in Jaglići area. **As soon as we entered Serb territory, somewhere around 0430 or 0500 hours on 12 July, the shelling started.** We were crawling next to the Serb trenches when fire was opened at us. **Since we were in Serb territory, I concluded that we were being shelled by the Bosnian Serbs.** I think that they were shelling us trying to cut off the column. The shelling lasted for about 15 minutes, and then it would stop for a short while, and then it would start again. **They opened fire at various parts of the column. The column had to stop during the shelling. I heard that many were wounded and killed during the attack, but I did not see it personally.**[199]

Further in his statement, Osman Halilović spoke about people wounded or killed in his immediate vicinity, as well as the nature of their injuries:

197 Statement of Kadrija Muratović [translated from BSH for the Commision], ICTY 01185372, Sarajevo, October 18, 2002, Archives of the RCIRZ, p. 3..Serb forces deployed tear gas onto the column.
198 Statement of Osman Halilović, p. 2.
199 Statement of Osman Halilović.

> I heard that 30 people were killed and that they remained in the valley by the side of the river, and that 42 were wounded and were taken into the forest. I saw the wounded being taken away, laid down next to each other, and counted. Most of them were hit in their heads and legs by pieces of shell shrapnel. Several of them looked like they were shot.[200]

Enver Avdić,[201] son of Sado and Hamida Halilović, born on 7 July 1977 in Gladovići, Srebrenica Municipality, where he permanently resided, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector on 27 October 1995. Enver Hamdić, soldier who participated in the breakthrough, testified on the fighting and the losses suffered by the column in the locality of Ravni Buljim.

> Later in the conversation, Enver told us that, during the departure of the 285th and 282nd Brigades, around 10 AM[202] the same day, Chetniks' paramilitary formation opened heavy artillery fire towards the remaining brigades and civilians who were in Buljim. **According to his estimation, around 1,000 soldiers and civilians**[203] **got killed.** The shelling was done with anti-aircraft machine guns, anti-aircraft cannons, Pragas, "Zolja" launchers and rifle grenades.[204]

Hasmir Mehanović,[205] son of Nazif and Adila (mother), née Paraganlić, born 24 January 1979 in the village of Sulica, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector on 9 October 1995 on the events in the column during the breakthrough to Tuzla. Hasmir Mehanović testified on the attacks carried out by the Serb forces against the ARBiH members, and the casualties in the area of Buljim:

> At the beginning of the informative conversation, the source pointed out that when Srebrenica fell at the hand of Chetniks on 11 July 1995, he was in the village of Sulice in Srebrenica municipality from where he, upon hearing that the Chetniks entered the town, left the village of Sulice with his acquaintances Mersad Đanić, son of Latif, from Peć, born in 1980, Midhad Kadrić, son of Fikret, from Bukovik, born in 1978, and a man called Dahmo from Peć who was about 30 years of age. **Before he set off with the army**, the source states that he had said goodbye to his father Nazif and his mother Adila who headed with the other locals in the direction of Donji Potočari. The source pointed out that the four of them arrived to Buljin[206] [sic] with the army during the night where they stayed until morning. **However, on 12 July 1995, the shelling**

200 Statement of Osman Halilović pp. 2-3.
201 Statement of Enver Avdić.
202 12 July 1995.
203 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
204 Statement of Enver Avdić, p. 1.
205 Statement of Hasmir Mehanović.
206 Buljim.

> **of the newly arrived civilian population**[207] **and members of Army of RBiH who found themselves in Buljim [sic] at that moment started immediately.** On that occasion, as the source points out, the Chetniks fired from mortars, pragas, and infantry weapons on which occasion about 100 soldiers and civilians were killed, among whom he recognised the killed Velko Osmanović, son of Edhem, born in 1977, originally from the village of Podševar, while among the seriously injured he recognised Hamed Ibrahimović, son of Reuf, from Poznanovići, born in 1973, and he could not recognise the other wounded and killed since they were mutilated from the shelling.[208]

Further, eyewitness Hasmir Mehanović elaborated on the details of the suffering in the column along the route to Tuzla:

> Furthermore, the source points out that after the shelling of the civilians and soldiers in Buljim stopped, during their pulling out towards the nearby forest above Buljim, **he noticed 20 killed men of about 30 years of age on one meadow on the right side of the road, among whom some were in uniforms and he did not recognize either one of them. After they spent some time in the forests, they arrived to Jadar on 15 July 1995, and above Jadar in the forest on a hill he noticed 6 mutilated bodies of men, one of whom was a soldier in camouflage uniform. The source also pointed out that while they were crossing over to Kušlat, on 18 July 1995, while walking through the forests, they managed to get to Baljkovac, and on a road near Baljkovac he saw 5 killed soldiers and civilians, and not far from there in one trench he also found three killed soldiers, aged between 25 and 30**.[209]

Huso Salihović,[210] son of Šemso and mother Rahima, née Alić, born 8 August 1963 in the village of Moćevići, Srebrenica Municipality, gave a statement to the military security organs of the ARBiH 2nd Corps in Tuzla on 20 August 1995 on the events in Srebrenica. Huso Salihović had been an ARBiH member in Srebrenica since 18 April 1992. The eyewitness detailed the events in the column after taking off from Šušnjari towards Tuzla on 12 July 1995:

> While crossing the Buljim, I heard detonations behind my back, about 500 m away. I later learned that this was a Chetnik ambush, and the Chetniks fired "zolja" grenades at the column using handheld launchers.[211]

After that, the eyewitness spoke about the column stopping after exiting Buljim and entering Kamenica. A large group from the column had gathered there, waiting for nightfall to cross the asphalt Nova Kasaba – Konjević Polje road.

207 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
208 Statement of Hasmir Mehanović, p.1.
209 Statement of Hasmir Mehanović, p. 2.
210 Statement of Huso Salihović..
211 Statement of Huso Salihović, p. 10.

> The column stopped someplace after getting out of Buljim and entering Kamenica, and a large group of people were gathered there to wait for nightfall to cross the asphalt behind Konjević Polje in the dark.[212]

A large number of soldiers crossed the aforementioned road, but many were left behind. The Serb forces launched an attack at that location, which caused panic in the rest of the column. A certain number of ARBiH 28th Division members did not make it across the Konjević Polje – Nova Kasaba road. Salihović did not surrender with his group, but instead headed for Žepa, still under Muslim control. Salihović stated that a group of about 120 men arrived in Žepa. He further said that he watched large groups of ARBiH members being transported to Serbia on rafts.

> Žepa fell after about a week, and I was at the Crni Potok rocks with about 20 other people. We watched from there and saw **our fighters being transported to Serbia on rafts, and tossing their weapons into the Drina.** In my estimate, at least around 1,500 men surrendered to Serbia, considering that we had spent three days watching this, and some of our people went down to pick up the weapons by the Drina.[213]

Salihović stated that he had seen a large number of corpses in the Kamenica area (Bosanska Kamenica), and further detailed the fighting:

> I would just like to note, when we were under Sebiočina, the hill opposite Kamenica, we saw a heap of corpses of our people who had been killed. We had some rest in Žepa for 2-3 days, and then I received a call from Ramo Čardaković, 285th Brigade NŠ, who said that if there were any people who had arrived earlier and had already been able to get some rest, they should head for the frontlines. However, in my opinion, the 285th Brigade Command was being unfair in sending those people to the most challenging locations which took the heaviest attacks, and those people started abandoning those locations on the frontlines and taking off for less challenging positions.[214]

Mujo Rahmanović,[215] born to Salčin (father) and Šuhra, née Salkić (mother), on 6 May 1960 in Potočari, Srebrenica Municipality, gave a statement to the State Commission for Gathering Facts on War Crimes on the Territory of the RBiH on 18 August 1995 regarding the circumstances of the breakthrough towards Tuzla. Mujo Rahmanović detailed the large losses in manpower suffered by the ARBiH 28th Division members at the very beginning of

212 Statement of Huso Salihović, p. 10.
213 Statement of Huso Salihović, p. 11.
214 Statement of Huso Salihović, p. 11.
215 Statement of Mujo Rahmanović.

the breakthrough, after the units entered the Serb-controlled territory. At staging in the village of Kamenica, about 10 kilometers away from the starting point in Šušnjari, Mujo Rahmanović estimated the losses to be between 3,000 and 4,000 men. On that matter, he stated the following:

> I was elected the leader of a group consisting of 500 people in Konjević Polje. We crossed over the road in the village of Pervani. We went through the villages of Grabovsko and Mehići. We arrived in the village of Pahljević. **Before we moved on, at the line-up in Kamenica, 3,000-4,000 soldiers, capable men and small number of women and children were killed**.[216]

Adraham Babajić,[217] son of Omer and Fatima Omerović, born 1936 in Glogova, Bratunac Municipality, gave a statement to the members of the MUP RBiH on 24 July 1995 on the circumstances of the events during the breakthrough to Tuzla. The eyewitness testified to the fighting and the losses suffered by the ARBiH 28th Division during the breakthrough to the Nova Kasaba – Konjević Polje road. In his statement, eyewitness Adraham Babajić said the following:

> On 11th July 1995 in the evening, Chetniks were entering Srebrenica. My family and I were there as refugees. In a column consisting of around 16,000 civilians, we were running away in the direction of the municipality of Zvornik. Our goal was to cross over to the free territory in that area. **In the village of Buljim, the municipality of Srebrenica, Chetniks noticed us and started shelling us. It lasted until we reached the Jadar River. A large number of people were killed on this occasion - around 3,000 by my estimation.** People whom I saw getting killed were: Hakija Osmanović, son of Alija[218]; Sead Osmanović, son of Nezir from Magašić, the municipality of Bratunac; Abdulah Mešanović, son of Omer from Šušnjari, the municipality of Srebrenica and his son Mujo.[219] I also saw many dead and wounded people lying around the road that we were walking down. However, I cannot recall their names. When we were crossing over the Jadar River, Chetniks set up an ambush and split

216 An analysis of the list of missing persons assembled by the ICMP in 2009 determined that a total of 7,692 persons had been reported missing, including 65 women, or 0.84% of the total number of missing persons on the ICMP list, and 80 persons under 16 years of age, or 1.04% of the total number of missing persons. (ICTY OTP, *The 2009 Progress Report*).

217 Statement of Adraham Babajić [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, Tuzla Security Services Center, SDB Srebrenik, No.:20-14/02-230___/95, ICTY 06817246, July 24, 1995, Archives of the RCIRZ.

218 Osmanović Hakija, (ARBiH), son of Alija, born 10 June 1942 in Magašići, Bratunac Municipality, resided in Šušnjari, MZ Potočari, Srebrenica Municipality. VES and JNA rank: Infantry. Reserve Force of the 280th IBLBR Potočari, BR.BLJE-02/295BP BR.BLJE-02/020 A GEN CLOTH (TL) BR.BLJE 02/396BP LRC:216 (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 68).

219 Mešanovič Mujo, (ARBiH), son of Abdulah, born 7 February 1963 in Šušnjari, MZ Potočari, Srebrenica Municipality, where he also resided. VES and JNA rank: Infantry. Assigned an M53 87435 in the ARBiH. Sharpshooter in the 1st BLJE-02/088BP BR.BLJE-01/256 BR.BLJE-02/003BP GEN. BONES (Zman1) LRC: 175th Unit, 1. Platoon, 3. LPČ, 280th IBLBR Potočari, BR.BLJE-02/232BP BR.BLJE-02/047BP BR (ARBiH, 28th Division, 280th IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 26).

> our group into several smaller groups. Later, they caught those groups of people and took them to Nova Kasaba. From one hill I saw Chetniks taking imprisoned persons with hands behind their backs. Next, we saw Chetniks by a brook. They were slaughtering captured persons and throwing them into the brook. While they were doing so, they were shouting about filling the stream with Muslim heads. I knew some of the Chetniks there by sight, but I do not know their names. I do know that they are from Kravica and Bratunac. **After that, we started moving towards Snagovo. When we gathered, we realised that there were around 5,000 people less in our group. We think Chetniks killed or imprisoned those 5,000 people**.[220]

Eyewitness Adraham Babajić stated that around 3,000 participants in the column had been killed on the stretch between the locality of Buljim and the Jadar river. Further, he said that after they set off towards the staging area in Snagovo after crossing the Nova Kasaba – Konjević Polje road, the eyewitness said that in his estimate, there were about 5,000 less people there than they had started the breakthrough with, and that they were likely killed or captured. Based on those claims, presumably around 2,000 people had been captured, keeping in mind that a total of 5,000 people were missing at the lineup, and that around 3,000 out of those 5,000 had been killed in the fighting between the locality of Buljim and the Jadar river.

Ilijaz Pilav,[221] son of Edhem, born 13 December 1964 in Gladovići, Srebrenica Municipality, medical doctor by occupation, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 18 August 1995. On that occasion, the eyewitness detailed the fighting that the ARBiH 28th Division members were involved in, as well as the losses in manpower in the area of Kamenica and the areas near Kravica and Konjević Polje:

> The first occasion when people from the column were killed was near the village of Kamenica, not far from Kravica and Konjević Polje, and just from the shelling about 10 people died and there more were wounded, and in the afternoon at about 1800 hours, **when the last part of the column that consisted of the 282nd Brigade led by Ibro Dudić[222] and of one part of the 281st Brigade had not yet even set off, the**

220 Statement of Adraham Babajić, p.1.

221 Statement of Ilijaz Pilav, p. 2.

222 ARBiH, 28th Division, Appendix 552 (ARBiH, copy of the OS Srebrenica, *Military Police Bulletin* [original name: Armija BiH, kopija OS-a Štaba oružanih snaga, Bilten vojne policije Srebrenica] No. 031292-170193, Archives of the RCIRZ, p. 31). Dudić Ibro, ARBiH, son of Husein, born 27 August 1969 (1967) in Sulice, MZ Osatica, Srebrenica Municipality, resided in Srebrenica (Kapetanova ćuprija). Trade school diploma, mechanical locksmith. Personal rank: Corporal (Soldier). Personal VES: 11601 (sailor). Assigned an AP 677625 in the ARBiH. ARBiH rank: Reserve Major. Deputy Commander of the TO (Territorial Defense) Kragljivoda since 5 October 1992 until 14 October 1992, Deputy Brigade Commander "3 May" Kragljivoda for the Operational-Educational Affairs (ONP) since 24 March 1993 until 10 January 1994, Commander of the 282nd IBLBR Srebrenica (rank – Colonel) since 10 January 1994 until 15 July 1995. Sent to Officer Candidate School to Zenica for the 8-OG (never went). Posthumously awarded a "Golden Lily" commendation (Order No. 01/011-86/98, dated 14 July 1998), also posthumously awarded a golden sword medal for combat achievements by the President of the Presidency (Order No. 01/011-86/98, dated 14 July 1998), written commendation by the Commander of the ŠtOS Srebrenica (1993), written commendation by the Commander of the ŠtOS Srebrenica given to combatants for extraordinary achievements in the defense of the town of Srebrenica on 17 April 1993. Appointed by ARBiH 2nd Corps Command Order No. 03/08-03 dated 10 January 1994. Code

> **Chetniks cut off that part of the column** and - from what I recently found out from one survivor, Bekrija Osmanović from Potševar[223] in Srebrenica municipality, who is currently residing in Podorašje in Srebrenik and he arrived [?there] on 6 August 1995 - that is where a massacre happened in which **about 500-600 people were killed and about 1000 fighters surrendered by dropping their weapons**. About 2 km away from that place, we were again ambushed, and on that occasion **another part of the column was cut off during which mainly civilians were killed, i.e. unarmed people. My part of the column which consisted of about 4-5 thousand people crossed the asphalt [road] in Konjević Polje.**

The participants in the column who were unable to cross the Nova Kasaba – Konjević Polje road, but had not been captured or killed in action either, headed for the Žepa enclave, a Bosnian Muslim-controlled territory. The following is an excerpt from the statement of **Hamed Jašarević,**[224] born to father Mehmedalija and mother Sejda, née Omerović, on 6 January 1977 in Pobuđe. Jašarević gave his statement to members of the Republika Srpska Ministry of the Interior on 27 August 2003:

> I had spent 8 days at the frontline in Žepa, where my cousin Osmo Jašarević was killed, and he was not buried, but was left at that location. The same day, Commander Neđad came to see us at the frontline and notified us that our frontline was about to fall and that Avdo Palo,[225] the Žepa commander, had surrendered, and he suggested that we surrender as well, pointing out that the road to Kladanj had been opened and that soldiers could use it to safely move towards Kladanj. I left Žepa with 120 soldiers and arrived to Kladanj with them. I later learned that Avdo Palo had cheated us, i.e. lied that the Žepa commander had surrendered, and that we had been betrayed by the UNPROFOR. While I was traveling from Srebrenica towards Žepa and Kladanj, in the locality of Buljim, more specifically the village of Mratinci, i.e. on the hill in the woods above the village, while passing there **I noticed several male dead bodies, mostly wearing civilian clothing, and some in uniforms, and I believe I saw about 100 bodies.** However, I did not look closely to identify them, as the bodies had already started to decompose and I only walked by due to the stench. Moving in this direction, I also noticed four bodies of men whom I did not know in a river called the Krainovska river, they were 45 to 50 years old and wearing civilian clothing. Above the village of Krainovci, near the transmission line, I saw between 8 and 12 bodies

41, appointed by RBiH Presidency Order No. 02-111-370/94, dated 25 May 1994. Listed in the SO Srebrenica records. D-24 Participated in the attack on the village of Ratkovići on 21 June 1992, the village of Brežani on 30 June 1992, the village of Krnjići on 5 July 1992, the village of Magašići (Božići) on 20 July 1992, the village of Fakovići on 5 October 1992, (led the attack on Loznička Rijeka), on Bjelovac on 14 December 1992, the village of Kravica on 7 January 1993, the attack on Skelani (Stajčići) on 16 January 1993, the village of Klekovići, the village of Zalazje, the attack on the surface mine of Braćan (Gunjac).

223 Osmanović Bekrija, listed in ARBiH records as active duty member: OSMANOVIĆ BEKRIJA, (BiHARBiH), son of Rifet, born 13 May 1965 in Podševar, MZ Toplica, Srebrenica Municipality, lived in Srebrenica. Personal VES: interdisciplinary service. Soldier in the Technical Maintenance Detachment, Technical Platoon, Logistics Company, 282nd IBLBR Srebrenica (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* (01837702-01837761), p. 52).

224 Statement of Hamed Jašarević.

225 Avdo Palić, Commander of the defense of Žepa, ARBiH.

> that I did not go near, as they had started to decompose. I also saw a male body on the road in the village of Krainovići, near the home of Osman whose surname I do not recall, but he still lives at the same address. I also saw a male body that I did not recognize near the village of Gaj in the locality of Podoljac.[226]

Mirzet Smajić,[227] born to father Husein and mother Asema, née Klančević, on 10 January 1974 in Tokoljaci, Srebrenica Municipality, ARBiH member since April 1992. Mirzet Smajić, participant in the breakthrough, testified on the situation following the fall of Srebrenica, in a statement given in Tuzla on 24 September 1995 to military security organs of the ARBiH 2nd Corps Command. In that occasion, Mirzet Smajić detailed the fighting in the region of Kamenica:

> On 10 July 1995, pursuant to the order of the military and civilian authorities in Srebrenica, conscripts and other able-bodied people gathered in a place called Buljim, and the decision was made that we were to try to break through towards Kalesija. There were between 2,000 and 3,000 people, both soldiers and civilians,[228] in the column that I was in. After walking for one day, in one place, the name of which I do not know but I do know that it is located before Konjević Polje, the Chetniks set up an ambush and when the column went through the forest, they opened fire at the column. There were between 70 and 100 soldiers in that Chetnik army unit, judging by the intensity of the fire they opened at the column. On that occasion they were also using one PRAGA armoured vehicle with 30/2 mm cannons. At that point panic ensued, and the column broke up in parts and the people started running in all directions, not looking where they were going. After they consolidated, **one part of soldiers that had weapons returned fire and so they forced the Chetniks to withdraw**. On that occasion, I saw that at least 100 men and women remained at the crime scene, killed in ambush by the Chetniks. All of that was happening on 12 July 1995 around 2200 hours.[229]

Refik Hamidović,[230] Assistant Commander of the Sabotage-Reconnaissance Platoon in the 28th Srebrenica Mountain Battalion, testified in a statement given on 6 August 1995 on the events during the breakthrough in the region of Buljim, Kamenica and the Konjević Polje – Nova Kasaba road:

> I had passed this place before Chetniks had time to set up the ambush. Around 5,000 civilians[231] and combatants stayed there, all mixed up. A part of them had a break-

226 Statement of Hamed Jašarević.
227 Statement of Mirzet Smajić.
228 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
229 Statement of Mirzet Smajić, p. 5.
230 Statement of Refik Hamidović.
231 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active

> through, while the other part stayed in Buljim. Commandant Ejub Golić stayed with them, he was cut off. Our group, that had passed earlier, caught up with the first groups who passed through without any problems. We caught up with them in a place called Kamenice. We were sitting in that place for around two hours. In the meantime, Commandant Ejub Golić arrived, after he had previously made a breakthrough with his unit. We departed from there on 12 July 1995 at around 5 PM. We moved on and wanted to cross over the asphalt between Kasaba and Konjević Polje. However, when we were above the village of Krajinovići, as we were resting, we heard a rifle fire and then Chetniks infiltrated among civilians and soldiers.[232] A lot of civilians and soldiers were killed on that occasion. The ones who survived formed small groups; some of them managed to merge with the column; some of them surrendered and one part went back.
>
> …As we were the ones to reach the crossing first, we crossed the asphalt without any problems. However, the others had certain problems. Chetniks brought tanks and transporters and blocked the road. **A part of soldiers managed to break through. A part of combatants and civilians surrendered, and a part remained scattered in the woods.** Chetniks shelled us, the first ones to arrive, after we crossed over the asphalt. Those grenades did not kill, nor wound. They affected our nervous system and caused sleepiness. I ran into a wave of that smoke, after which I thought I would not be able to move on.[233]

In a statement given to ICTY investigators on 14, 15 and 16 August 1995, **Osman Halilović**[234] detailed the fighting in the region of Kamenica in the evening on 12 July 1995:

> We agreed to form a new column together with the wounded at the head of it. The column started moving. **Soon it got dark, and then intense shelling started which made the column move.** At first there was sporadic shooting. I saw people covering their eyes and wiping them with handkerchiefs. They were saying that their eyes were burning. My eyes also started burning. **I heard people saying that they had dropped "poison" (I think that they were referring to tear gas or some other chemical gas). Heavy shelling commenced immediately after that. We wanted to move, but everybody was panic-stricken, and some were even lying on the ground. At the beginning of the shelling I heard a loud explosion. Some people told me that a rocket had hit a tree. The heavy shelling continued and it lasted for about an hour. I recognised the sound of anti-aircraft fire and howitzers. I had heard similar sounds during the previous three years of combats around Srebrenica**.[235]

As the intense shelling continued, the Bosnian Muslim forces suffered massive losses in manpower. Eyewitness Osman Halilović testified to the number of dead and wounded people that he had personally seen:

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duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

232 There is no evidence that the Serb forces actually infiltrated the column. Due to the heavy fire they were taking and the mass panic, rumors started going around that the "Chetniks" were in the column.

233 Statement of Refik Hamidović, p. 2.

234 Statement of Osman Halilović, p. 2.

235 Statement of Osman Halilović, p. 3.

> Many people were killed and wounded during the shelling. When I arrived to Tuzla, I heard that nine survivors were from Sučeska [sic]. I could not see their wounds clearly, but some looked like they had been shot, while others had fragment wounds. I saw approximately between 30 and 40 bodies and I do not know what happened to those that were wounded during the first attack on our column. I heard people scream that the Chetniks were among us and that they were throwing hand grenades. People were screaming, trying to shield their closest [loved ones]. People were yelling for the Chetniks to cease fire and start negotiating with us. My relative, Hamed Halilović, was wounded in the head.
>
> By that time, everyone had dispersed and no one was leading the column. People got hold of their closest [loved ones] and headed in various directions. I got hold of my relative and headed towards the place where they had taken the first group of the wounded persons. There were around 100 of them, including me as well. We headed downhill towards one valley near the river, and then up some hill. I saw burnt down houses that the others around me told me were the Muslim village of Lolići. **Shelling and shooting started again and we returned back to the river.** We walked along many small paths, but we did not know where we were at that moment. We tried to go down many paths, but we kept coming across ambushes. **I heard that many people had been killed in the area of the river, but I did not see it personally.** They kept setting up ambushes in that area throughout the entire night and the morning of 13 July.[236]

In his statement, Osman Halilović also detailed the events in the morning of 13 July 1995 in the area of the Nova Kasaba – Konjević Polje road. He especially reflected on the ARBiH 28th Division's narrowing maneuvering space, the focused attacks by the Serb forces, and their calls to surrender. Osman Halilović said the following about those events:

> In the morning we again tried to leave that area. It seemed that the Serbs were coming closer and closer, because the shelling was being concentrated on a smaller and smaller area. I heard one voice telling us through a megaphone that we were encircled. **"We've already killed many of your people in the valley during the previous night. You cannot escape.** The only road that was left was the asphalt road [that led] towards Kravica." The voice continued, "One by one with your hands up. You will be exchanged as prisoners and you will be treated in accordance with the Geneva Conventions. No one will get hurt." They gave us an ultimatum how long we could stay in the forest. The voice continued, "If you do not show up, we will open fire from all available weapons and will drop 'poisons' (as far as I understood, they were referring to tear gas). You have one hour." There was sporadic shooting, and then approximately twenty minutes later we were told that we had half an hour left and that they we starting to count down.[237]

Isad Mujanović,[238] born to father Avdulah and mother Mejra, née Ajamović, on 4 April 1972 in Samari, the municipality of Zvornik, Muslim by nationality, **ARBiH member since**

236 Statement of Osman Halilović, p. 2.
237 Statement of Osman Halilović, p. 4.
238 Statement of Isad Mujanović.

8 April 1992, assigned to the 284th Mountain Brigade Srebrenica, detailed in his statement the ambush set by the Serb forces in the region of the village of Kamenica:

> The column that I was moving in was first ambushed **in Kamenice, where fire was opened on us with all sorts of artillery pieces and weapons, and according to my assessment, from what I saw, around 1,000 persons were killed there, and on that occasion we were collecting and carrying the wounded, but when they ambushed us again we would leave them, because everyone was trying to save themselves as best as they could and running for their lives. While breaking through the ambushes I saw so many people dead and wounded everywhere that I cannot even put a number to it. I even saw people hanged, but I don't know who did the hanging**.[239]

Ismet Handžić,[240] born to father Juso and mother Abida, née Jakubović, on 27 July 1960 in Osmače, Srebrenica Municipality, ARBiH member since April 1992, gave a statement to the ARBiH 2nd Corps Command Security Department, Tuzla, on 24 September 1995. In his statement, Ismet Handžić testified about the fighting along the road towards Tuzla, including losses in manpower, which he estimated to be in excess of 2,000 men.

> On 11 July 1995, during the occupation of Srebrenica, **I went together with other Army members and able-bodied people to a place called Buljim** from where we set off in the morning of 12 July 1995 in a column of about 15,000 people among whom there were many women and children.[241] The column was about 11 km long because we were moving in a column of twos. In the evening of that same day, and I think it was around 2100 hours, above Konjević Polje in some forest, the name of which I do not know, the Chetniks set up an ambush and when the column came very close to their ambush they opened fire with automatic weapons. **The shooting lasted for about an hour because in the meanwhile, members of our Army, with the aim of protecting unarmed people opened fire at the Chetniks…**
>
> …At that point the column broke up and panic ensued among the people because the Chetniks had attacked the column in several places along its length. During the first burst of shooting I was near one beech tree, thus the bullets did not graze me, but four bodies that were literally struck down by the bursts of fire landed on me, so I fell down and remained lying under the bodies. After about an hour, when the shooting had stopped, the Chetniks started yelling, calling us out to surrender, which several groups did, and then they started searching the forest checking for the wounded or survivors among the killed. According to my assessment**, between 200 and 300 people were killed, or, better said, murdered in that location.**...[242]

239 Statement of Isad Mujanović, p. 2.
240 Statement of Ismet Handžić.
241 An analysis of the list of missing persons assembled by the ICMP in 2009 determined that a total of 7,692 persons had been reported missing, including 65 women, or 0.84% of the total number of missing persons on the ICMP list, and 80 persons under 16 years of age, or 1.04% of the total number of missing persons. (ICTY OTP, *The 2009 Progress Report*).
242 Statement of Ismet Handžić.

Further in his statement, Ismet Handžić continues:

> …After the column headed across the meadow in the direction of the forest, some devices – explosive devices – which had probably been placed earlier, started going off, so there was shooting coming from all sides, and people started falling everywhere from the detonations. That is when one detonation threw me to the ground, and I took my backpack off and ran into the forest. **While I was passing through the territories where the ambush had been set, in several valleys, i.e. locations [?from] where the Chetniks opened fire at the column, according to my assessment, I saw over 2,000 corpses that no one was even trying to gather in one location, much less burying them. It should be noted that on the entire route to Velja Glava I was coming across corpses that were in stages of decomposition, thus I cannot claim with certainty that I recognised someone.** I must mention that my brothers-in-law Sakib and Sadik Salkić, sons of Ibrahim, from Tokoljak in Srebrenica municipality, and Azem Avdić,[243] son of Memiš, from Osmače, who was the principal of the elementary school in Osmače before the war, stayed in the group of people on the meadow where the explosions were happening.[244]

Kemal Mujić,[245] ARBiH member during the breakthrough to Tuzla, in a statement to the ARBiH military security organs, testified on the events and detailed the fighting that took place on 12 July between Buljim and the area in front of the Nova Kasaba – Konjević Polje road. Kemal Mujić described the fighting in the village of Kamenica in detail and testified to the massive losses in manpower. He had seen about 2,000 corpses in one location alone. In his statement, Kemal Mujić said the following:

> On 12th July 1995 in the morning, I set off from Srebrenica in the direction of Konjević Polje and Udrč towards Tuzla with all the people who felt they were able to hit the road and the ones who were afraid to surrender. **We were first shelled in a brook under Buljim. As far as I could see, five men died of the wounds. All five of them were killed by grenade fragments.** They took some of the wounded to carry them, but I do not know what happened to the rest of wounded persons. As we were moving on, **the second part of the column was attacked by Chetniks somewhere near Pobučka Kamenica**. The second part of the column stretched from the K. Polje-Milići asphalt road to a brook before Kamenica. I was in that part of the column. **Chetniks attacked with such force that they separated us from the first part of the column which had already crossed over the aforementioned asphalt road.** They were dropping grenades from all directions, aiming the area with the highest number people. They were shooting with a Praga gun and anti-aircraft machine guns from the road, while our people were running in panic and stumbling upon Chetniks who responded with fire bursts, randomly shooting and asking them to surrender. A large number of

243 Azem Avidć is listed in the ARBiH 28th Division records: Avdič Azem, (ARBiH), son of Memiš, born 1954 in Osmače, MZ Brežani, Srebrenica Municipality, resided in Srebrenica, Marshall Tito Street. Trade school diploma. SSS. Communications Officer in the Professional Service of the Srebrenica Civil Protection Municipal Staff. (*Civil Protection Srebrenica*, Archives of the RCIRZ, p. 1).

244 Statement of Ismet Handžić, p 2.

245 Statement of Kemal Mujić.

> people asked Chetniks not to shoot since they wanted to surrender, but Chetniks did not allow anyone to raise their hands. I was so stressed-out and afraid that I passed out or fell asleep in a bush. I do not know, I do not know… When I woke up, people around me were coming out to surrender, and the shooting had stopped. I did not want to surrender. Instead, I took the same road to go back. **When I reached the slope that we had already walked over, what I saw next left me speechless. All across the slope were dead bodies as if someone had lined them up next to each other. By my estimation, there were around 2,000 bodies**.[246]

Abdulah Salkić,[247] born to father Mehemed on 1 October 1946 in Hranča, Bratunac Municipality, gave a statement on 5 February 1995 to operatives of AID, the Bosniak intelligence agency, on the circumstances of the breakthrough. Abdulah Salkić detailed the ambush in the village of Kamenica, Bratunac Municipality, where the ARBiH 28th Division suffered significant losses. The following is an excerpt from his statement:

> On 11th July 1995, my son Izet Salkić[248] and I joined other able-bodied men and set off from Jaglić towards the free territory. **A part of the column I was in was moving undisturbed until we reached Kamenica in Bratunac. There, we walked upon a Chetniks' ambush. At around 11 PM On 13th[249] July 1995 in a forest above Kamenica, we walked upon an ambush. Since it was dark, I could not see how many people got killed and wounded, but I assume several hundreds of them**.[250]

Further in his statement, breakthrough participant Abdulah Salkić detailed the events during the breakthrough, reflecting on the ambushes set by the Serb forces between the villages of Kamenica near Bratunac, and Baljkovica, which is around 50 kilometers away from Kamenica. The eyewitness saw several hundred dead bodies along that route. The following is an excerpt from his statement:

> We left them on the hill since we could not carry them anymore. I do not know what happened to them later.[251] **We did not walk upon other ambushes on the road from Kamenica in Bratunac to Baljkovica, but I saw several hundreds of corpses along the way.** I could not identify any of them. **On the road above Đogum, near Nova**

246 Statement of Kemal Mujić, pp. 1-2.

247 Statement of Abdulah Salkić [translated from BSH for the Commision], Research and Documentation Agency, BiH, Tuzla AID Sector, No. 15-46/96, February 5, 1996, Archives of the RCIRZ.

248 Izet Salikic is listed in the 28th Division records: SALKIĆ IZET, (ARBiH), son of Abdulah, born 10 March 1971 in Hranča, resided in Blječeva, Bratunac Municipality. VES and JNA Rank: Technician. Telephone line operator in the 2nd Detachment (Telephone), Communications Platoon, 280th IBLBR Potočari, Marksman on RBRO in the RBRO – 90mm Detachment, 1. LPČ, 280th IBLBR Potočari. (ARBiH, 28th Division, 280th 280. IBLBR Potočari, *List of Members*, Archives of the RCIRZ, p. 18).

249 According to eyewitness statements, this incident took place on 12 July 1995, rather than 13 July.

250 Statement of Abdulah Salkić, p.1.

251 The eyewitness is referring to the wounded ARBiH 28th Division soldiers.

> **Kasaba, I saw around 300 wounded persons lying on the road, asking for water and begging people to carry them away from there.** However, road conditions did not allow that; we were not able to carry them or to give them the first aid. I did not know any of those wounded persons.[252]

Nuriz Selimović,[253] father's name Abid, Operations Officer in the ARBiH 28th Division, 284th East Bosnian Light Brigade Command, rank Lieutenant, gave a statement on 26 July 1995 to the ARBiH military security organs on the events following the fall of Srebrenica. Selimović detailed the movement of the column since the beginning of the breakthrough. Particularly significant is the part of his statement on crossing the Nova Kasaba – Konjević Polje road on 13 July 1995 and the previous separation of the column in the region of the village of Kamenica, as well as the attacks on the part of the column that was unable to make it across the road and the ensuing panic that descended upon the ranks. The following is an excerpt from Nuriz Selimović's statement:

> Commandants of the 284th, 281st and 283rd Brigade met in the area of Viogor with other colonels and made a decision about a breakthrough. We set off to Buljim early in the evening. Headquarters was in Buljim, as well as the gathering place of other brigades and units. We all gathered there and waited for further orders. Command of the 28th Army Division with commandants of brigades were in Šušnjari, in SIDIK's house. We gathered there around 10:30 AM. They invited me there to talk about the breakthrough. When I arrived there, **RAMIZ – the commandant of the 28th Army Division asked me: What is the shortest and best way for all soldiers and most of civilians to cross? He told me I was allowed to choose men from all units the way I wanted and as many as I wanted for reconnaissance. I chose eight saboteurs from the 284th Brigade and one young man from the 283rd Brigade. He helped me on our way since he had already been in Tuzla once. From the other units, I chose 76 men – the size of a company**.[254]

> **Chief of Staff, Commandant RAMIZ BEĆIROVIĆ told me that I should not cross the asphalt road before them and that I was too tired to continue**. We were supposed to continue moving in the afternoon, after a long rest. We gathered and stayed there until evening. I continued moving at around 4 PM with my company that was 1.5 km away as the crow flies and around 2 km away on land. My task was to secure their front and wait for the column. When I arrived in the region of POBUĐE, more precisely when I came to the intersection above the village of BORNICA, I secured the area and waited for the column to get closer. When the column arrived, we took a rest and heard shots from infantry weapons followed by shelling from the region of SANDIĆI. I used communication gear to ask the Commandant of the 284th Brigade what was going on and if I should continue moving forwards or go back. He told me that everything was okay and that I should keep moving forward.[255]

252 Statement of Abdulah Salkić, p. 1.
253 Statement of Nuriz Selimović.
254 Statement of Nuriz Selimović, p. 2.
255 Statement of Nuriz Selimović p. 3.

When the column came to us, we started getting people over the asphalt with a group of around 100 people, in the evening. In the area of LJEŠINA between NOVA KASABA and KONJEVIĆ POLJE, we crossed over the JADAR River. When we crossed the river, stirring started and we started losing control over the army. **Certain members of Command of the 28th Army Division lost respect for the order and discipline previously established and agreed upon at the beginning.** Great panic spread among people and everyone was leaving their own ways. After we crossed over the asphalt and the Jadar River, Ekrem alias Eko, an intelligence operative from **Command of the 28th Army Division and I were trying to prove to people that the security had to stay on the asphalt in order to secure other people in the column**.[256]

As the column was arriving, people found places where they would take a rest. When the other half of the column arrived, people told me that the column was split in the area of KAMENICA. Large numbers of people arrived and crossed over the asphalt during the day. They told me that there were around 2,000-3,000 people in part of the column that was cut off and that the Commandant of the 282nd Brigade, IBRO alias DUDA was also in that part of the column. **It was not before then when I learned that bad and destructive things were happening to our men. I learned that the Brigade's Commandant IBRO DUDA[257] surrendered, and that some people committed suicide. People would gather in groups of 20, stand around a bomb, hug each other and commit suicide.** Most of the people ran away and nobody was offering any resistance. Chetniks were entering the column as if they were coming among sheep.[258]

They were arresting and killing people as much as they wanted. I heard numerous stories. One of them was that they mingled with our people saying that they were guides. Gullible ones followed them. Around noon, when one smaller group arrived, people from that group told us that there were many people who were not arrested but who were too afraid to cross over the asphalt road. It was really hard on me, my brother stayed there, as well. So, I asked to go back with a group of 500 people for all the people who stayed behind, one of which was my brother. I asked RAMIZ BEĆIROVIĆ to order all brigades' commandants to assemble 100 men each so I could go back, free those people and block the asphalt road. During all that time, RAMIZ gathered commandants and other members of the 28th Army Division and ordered them to gather their men in one hour. I sent one division to scout down there and I found communication gear.[259]

Ševal Ademović,[260] born to Salih and Mejra Avdić on 29 July 1951 in the village of Podosoje, Srebrenica Municipality, gave a statement to the Agency for Investigation and Documentation

256 Statement of Nuriz Selimović pp. 3-4.

257 Dudić Ibro, ARBiH, son of Husein, born 27 August 1969 (1967) in Sulice, MZ Osatica, Srebrenica Municipality, Commander of the 282nd IBLBR Srebrenica.

258 This is an unsubstantiated claim. The Serb forces fired artillery weapons on the column. Same as the previous, this claim is also a consequence of the mass panic, mayhem and rumors caused by the exposure to heavy artillery fire. The panic led to mutual clashes among the ranks, who believed that they were fighting enemy combatants.

259 Statement of Nuriz Selimović, p. 4.

260 Statement of Ševal Ademović.

(AID),[261] Tuzla Sector, on 19 January 1996, detailing the attacks on the column by the Serb forces in the region of the village of Kamenica, and testified to the losses suffered by the column:

> At the very beginning of our breakthrough towards Tuzla, the Chetniks started shelling the column, in which there were roughly between 10 to 15 thousand people, in the vicinity of Kravica. **Some of our people died and others were wounded in the Chetnik shelling.** In addition to shelling and firing at our column, the Chetniks also used poison gasses[262] against it somewhere near Kamenica, which I personally experienced. I do not know how to describe that, but I can tell you that at that moment I headed together with my son Šefik and my neighbour Ramiz Avdić from Pusmulići near Srebrenica in a completely wrong direction, one that we had not intended to take. While we were fleeing and hiding, my son Šefik and my neighbour Avdić suddenly got lost, which is inexplicable since we were sticking together. I have not seen them since then. **Also, some soldiers alongside whom I continued to break through, and whom I would encounter, started behaving strangely and saying that they wanted to surrender to the Chetniks which had not been the case until then.** Some individuals were openly persuading me to do that but I was stubbornly refusing to do it because I knew that the Chetniks were infiltrating their men into our column for that purpose. **As a result of the Chetnik shelling and the use of poison gasses, a lot of our men died – in my opinion, between 200 and 250 people – but I am not sure about those figures because we were constantly on the run, and while fleeing we were just jumping over the bodies of our men.** After the shelling and use of poison gasses above Kamenica, we reached the burnt down school in Kamenica, and further on we ran into a Chetnik patrol. It should be noted that I had not seen my son Jusuf again after the very beginning of the breakthrough towards Tuzla, but upon my arrival to Tuzla after being exchanged I learned that he had been killed in Ružina voda [sic] near Vlasenica.[263]

Nazif Osmanović,[264] son of Nurif, born on 25 April 1946 in Pribidol, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service on 20 December 1995, detailing the events during the breakthrough and the losses suffered by the Bosniak side in the region of Buljim and Kamenica. The following is an excerpt from his statement:

> On the way from Buljim to Kaldrmica (Bratunac Municipality) we were ambushed three times, and we were shelled all the time, and about **100 citizens were killed** on that occasion, while a large number of them were wounded. Among the killed, I recognised a man called Selmo, son of Ramo, from Dimnići, who used to work as a forester before the war, his son, who was about 21 years old, and Kemo Hajdarević[265]

261 Agency for Information and Documentation (An intelligence agency under Muslim – Bosniak control)

262 Tear gas.

263 Statement of Ševal Ademović, p. 1.

264 Statement of Nazif Osmanović.

265 ICTY OTP, *The 2009 Progress Report.* The ICMP database lists the name **Hajdarević Kemal**, Ševko, 1950, 10 February, reported missing on 20 July 1995 in Kravica; *Individual Formation of the Srebrenica Civil Protection OpS*, p. 1. An inspection of 28th Division records turned up a person named Kemal Hajdarević, (ARBiH), son of Ševko, born 1950 in Žabokvica, MZ Skelani, Srebrenica Municipality, resided in Srebrenica, Marshall Tito Street. Construction Engineer, BA. Member of the Srebrenica Civil

> who was wounded and died shortly afterwards. Kemo Hajdarević's son[266] was also killed, and so was a young woman whom I did not know, and Mesud Džananović, a taxi driver from Voljevica, but I did not know the names of the others. At around 8 p.m that same night (12 July 1995), while we were in some woods, I saw a bright flash, heard a strong explosion, and saw a beech tree fall. After the explosion, moaning and screams were heard, and panic spread, and I could not see who had been wounded and who killed. At that moment, I felt exhausted and drowsy, which I assume was caused by the use of poison gasses. After 30 minutes, the Chetniks used megaphones to called us to surrender. Two Chetniks slipped among us, one wearing a beret on his head and the other one a *šajkača* (Serbian national hat). **They were negotiating with our soldiers, and I was watching it all from a distance of about 10 metres. Omer Hamzić, son of Alija, and a man called Nurija from Gladovići in Srebrenica municipality, were by my side. Omer is currently on the free territory of Tuzla**.[267]

Hasan Alić,[268] ARBiH 28th Division member, born to father Hamed and mother Alija, née Osmanović, on 26 October 1969 in Rađenovići, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 9 October 1995, detailing the fighting, that is, the attacks on the column carried out by the Serb forces in the region of Kamenica and the region in front of the Nova Kasaba – Konjević Polje road. Hasan Alić gave the following statement to the representatives of the State Security Service:

> The source stated that his brigade received the order to set off between 2 and 3 a.m on 13 July 1995. After covering 6 kilometers, the brigade stopped to line up again in order to determine the number of men in the line. After a short break, the brigades continued towards Kamenica where they came across 6 killed ARBiH soldiers, none of whom the source recognized. **Not far from where they found the 6 killed soldiers, the Chetniks continued shelling the column with 120 mm mortars, anti-aircraft machine guns (PAMs), anti-aircraft guns (PATs)**, **and infantry weapons. One soldier was killed and 7 were seriously wounded.** At that point, panic and chaos ensued; everyone was fleeing to the nearby forests, seeking cover and salvation from the Chetnik shelling. When the shelling stopped, a column was formed again and it proceeded moving in the direction of the free territory. After covering another 8 kilometers, brigades were again lined up. Near the location where the lining up took place, the Chetniks felled a beech tree and blocked the road, and when the column set off, it came under heavy fire from all weapons available to them and the Chetniks penetrated through the column in order to break it up. **The source stated that about 1,000 soldiers and civilians**[269] **from the column were killed in that incident.** After that crime, the Chetniks called the remaining people to surrender or negotiate.[270]

Protection Municipal Staff for protection and rescue (from rubble and flood).

266 The ICMP database lists the name Hajdarević Edin, son of Kemal, born 17 June 1979 (ICTY OTP, *The 2009 Progress Report*), reported missing on 17 July 1995 in Buljim (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* (01837702-01837761, p. 60).

267 Statement of Nazif Osmanović pp. 1-2.

268 Statement of Hasan Alić, p. 1.

269 In this context, the term "civilian" is used to describe members of the reserve force and the able-bodied men who reported to the staging area for the breakthrough towards Tuzla on orders from the BiHARBiH 28th Division Command.

270 Statement of Hasan Alić, pp. 1-2.

Hakija Husejinović,[271] born to father Alija and mother Hasnija, née Begić, on 17 February 1944 in Bućinovići-Sućeska, Srebrenica Municipality, ARBiH member, 6339 Srebrenica army unit, gave a statement to the RBiH State Security Service, Tuzla Sector, on 29 October 1995, detailing the attacks carried out by the Serb forces against the column in the region of Kamenica, and citing the names of other ARBiH members who were in his immediate vicinity:

> It should be noted that the terrain is unfamiliar to me, as it was unfamiliar to other people from the column. During the time that we were sitting there and resting, the Chetniks started firing at us from infantry weapons. General panic ensued and people were fleeing to all sides. I was fleeing downstream, down the brook bed, together with 11 other persons, some of whom I know from my village and they are the following: Hasib Husejnović (son of Hasan),[272] Hasan Gabeljić (son of Osman),[273] Halid Hafizović (son of Mujo),[274], Seid Bećirović (son of Kiram),[275] Osman Huseinović (son of Ibrahim),[276] Aziz Gabeljić (son of Azem).[277] While fleeing, we arrived close to the asphalt road near Kamenica village in Pobuđe. Hasan Gabeljić, whose wife was from that village, explained that to us. We had walked for 5km to Kamenica village, and during that time we heard that the shooting had stopped. Gabeljić said that we should go back a little bit, and we stopped in the forest on the left side, upstream from the brook above Kamenica. We waited there the entire night, and in the meanwhile many others from the column started arriving. I helped carry the wounded which were taken to one meadow and were carrying them throughout the entire night.[278]

271 Statement of Hakija Husejinović.

272 Hasib Husejnović is listed in ARBiH 28th Division records: **Husejnović Hasib**, (ARBiH), son of Hasan, born 14 November 1955 in Bučinovići, MZ Sućeska, Srebrenica Municipality, resided in Bučinovići. Personal VES: 11101. Assigned an automatic weapon in the ARBiH. Marksman in the 3rd Detachment, 1st Platoon, 2nd LPČ, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 21).

273 Hasan Gabeljić is listed in ARBiH 28th Division records**: Gabeljić Hasan,** (ARBiH), son of Osman, born 10 June 1954 in Bučinovići, MZ Sućeska, Srebrenica Municipality, resided in Bučinovići. Personal VES: 11101. Assigned an LP in the ARBiH. Marksman in the 3rd Detachment, 1st Platoon, 2nd LPČ, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 21).

274 Halid Hafizović is listed in ARBiH 28th Division records**: Hafizović Halid, (**ARBiH), son of Mujo, born 10 July 1960 in Opetci, MZ Sućeska, Srebrenica Municipality, resided in Opetci. Personal VES: 11101. Assistant Marksman in the RBRO – 90mm Detachment, accompanying platoon, 3rd LPČ, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 32).

275 Seid Bećirović is listed in ARBiH 28th Division records: **Bećirović Seid**, (ARBiH), son of Kiram, born 1971 in Opetci, MZ Sućeska, Srebrenica Municipality, resided in Opetci. Personal VES: Communications. Assigned an AP in the BiHARBiH. Radio-telephone operator in the POČ (Anti-Tank Company), 281st IBLBR Sućeska. LP02-B-795, ZV.LIP-07/262GBP, LRC:492 (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 47); Bećirović Seid, son of Kiram, born 20 August 1971, listed as a missing person in the ICMP database. Reported as missing on 11 July 1995 in Kravca (ICTY OTP, *The 2009 Progress Report*).

276 Huseinović Osman, son of Alija, born 18 February 1965. Listed as a missing person in the ICMP database. Reported as missing on 12 July 1995 in Potočari (OTP ICTY, *The 2009 Progress Report*).

277 Aziz Gabeljić is listed in ARBiH 28th Division records: **Gabeljić Aziz**, (ARBiH), son of Azem, born 1971 in Bučinovići, MZ Sućeska, Srebrenica Municipality, resided in Bučinovići. Personal VES: Infantry, Commander of the 2nd Detachment (Radio), Communications Platoon, 281st IBLBR Sućeska (ARBiH, 28th Division, 281st IBLBR Sućeska, *List of Members*, Archives of the RCIRZ, p. 9); Gabeljić Aziz, son of Azem, born 3 March 1971, listed as a missing person in the ICMP database. Reported missing on 11 August 1995 in Sućeska (ICTY OTP, *The 2009 Progress Report*).

278 Statement of Hakija Husejnović, p. 1.

Redžo Delić,[279] born to father Salčin and mother Đula, née Sulejmanović, on 19 November 1964 in Veljavica, Bratunac Municipality, ARBiH member, detailed the fighting in the region of Kamenica in the statement he gave to the ARBiH military organs on 25 August 1995:

> That's how we arrived to Kamenica near Kravica. We gathered at Kamenica and took a break until the evening. In the evening, the Command arrived in order to prepare. Hazim Džananović told Hazim Omerović that he and the III LPC should stay to secure the rear of the column. At first dark, there were about 20 civilians left to come out of the woods so we could go. Shots were fired from a Praga gun from the asphalt road Konjević Polje – Kravica. A few minutes later we heard heavy wind, and then a crowd of people rushed at us. At the same time, we started taking heavy fire from infantry guns, and the gunfire lasted about ten minutes. **After that, we stood up and yelled to hold the fire, because we thought it was coming from our people. I saw about 150 dead and wounded people there.** From there, we went about 150 meters up to the meadow, and stopped there to calm people down. After that, we heard someone calling out to us to walk towards them and saying that Ejub and Mandža were waiting for us. We thought that sounded suspicious, and did not allow either the soldiers or the civilians to go. At that point, Suki from Kazan showed up and ordered me to pull out the wounded. I led about 20 soldiers and we picked up about 20 people with minor injuries and pulled them out to the meadow.[280]

Behadija Krdžić,[281] ARBiH[282] member and participant in the breakthrough to Tuzla, gave a statement to the representatives of the ARBiH military security on 18 August 1995. In his statement, he described the events of 12 July 1995 in the region of the village of Kamenica and the deaths of people he knew. The following is an excerpt from his statement:

> Sakib Krdžić, son of Osman, aged about *[illegible],* in camouflage uniform, [?Abaz] Krdžić, son of Osman, aged about 35, who was wearing civilian clothes and had brown shoes on his feet, Ferid from Osmače, whose surname I do not know and I do not know his father's name either, who I saw had a knife stabbed in his back, Rifet Burić, aged about 28, Ahmet, with receding hairline, fat, about 180 cm tall, blond and in civilian clothes, and Senahid, aged about 45, in civilian clothes. Due to inability to pull out the wounded casualties, Bahrija Hukić, also wearing civilian clothes, stayed there, and then I recognised [?Mali] Mehmedović, son of Manja, from Dobraci, born in 1961, and he was wearing civilian clothes. At that place I saw a lot of slaughtered people, and people whom I know by sight but I do not know their names. At the moment when the Chetniks started shooting, there was panic and running in various directions, and the following day I returned to that place, thus I recognised the above-

279 Statement of Redžo Delić [translated from BSH for the Commision], ARBiH, 283rd IBLBR, Security Department, Strictly Confidential No. 06/178-1/95, Živinice, August 25, Archives of the RCIRZ ,1995, p. 1.

280 Statement of Redžo Delić, p.1.

281 Statement of Behadija Krdžić.

282 Behadija Krdžić, (ARBiH), son of Alija, born on 2 August 1963 in Osmače, MZ Brežani, Srebrenica Municipality, resided in Srebrenica. Personal rank: Corporal. Personal VES: Infantry. Assistant Marksman in the Machine Gun Detachment, accompanying platoon, 2nd LPČ, 282nd IBLBR Srebrenica (ARBiH, 28th Division, 282nd IBLBR Srebrenica, *List of Members* (01837702-01837761), Archives of the RCIRZ, p. 23).

named persons *[underlined in original text]*. We stayed in the village of Kamenica sector for three days, wandering around the forests looking for salvation, thus on 15 July 1995 from the village of Burnice, I watched the Chetniks search the grounds in Kamenica. Each person they found, they took them in the direction of the village of Kravica.[283]

Mehmedović Fadil,[284] son of Adil, born 2 May 1975 in Slatina, Srebrenica Municipality, ARBiH 28th Division member, gave a statement to the ARBiH military security organs on 30 July 1995 on the events during the breakthrough to Tuzla. In his statement, eyewitness Fadil Mehmedović detailed the attacks on the column in the region of the village of Kamenica in the evening of 12 July 1995:

I was distraught when we received a message to abandon our village where we held a meeting on how to move toward our people in Tuzla. **We arrived to the village of Šušnjari, where we encountered all of the other brigades from the Srebrenica area. we lined up there and set off towards Tuzla. When we arrived to Pobuđe in the village of Kamenica, we were able to take a small break. The Chetniks spotted us in the woods in the valley, and surrounded us from all sides. They opened fire with machine guns, Zolja grenades, bombs. We ran frantically, nobody knew anybody, there were many dead and wounded, hundreds of dead bodies were left behind.**[285]

Commander of the 1st Platoon of the Mujahideen company operating within the ARBiH 28th Division 283rd Brigade, **Bego Muminović,**[286] (son of Ćamil), born on 20 June 1954 in Kamenica, Zvornik Municipality, gave a statement to the RBiH State Security Service, Tuzla Sector, on 22 July 1995, testifying on the fighting that took place in the Pobuđe area during the night between 12 and 13 July 1995:

I don't know exactly what had happened during the night, but **early in the morning we heard from fighters and civilians**[287] who were catching up with us that the aggressor soldiers had made incursions among our people during the night, catching them and taking them away, and that they had also killed some of them on the spot.[288] **According to my assessment, over 1,000 persons from the column perished that night, and upon arrival to the free territory, I heard from the soldiers who were**

283 Statement of Behadija Krdžić.

284 Statement of Fadil Mehmedović.

285 Statement of Fadil Mehmedović, p. 1.

286 Statement of Bego Muminović, p. 1. Bego Muminović was member of the RBiH OS since [illegible] April 1992, during the breakthrough to Tuzla was engaged as a member of the 28th BH Army Division as the Commander of the 1st Platoon of the Mujahedeen Company within the 283rd Manoeuvre Brigade.

287 In this context, the term "civilian" is used to describe members of the reserve force and the able-bodied men who reported to the staging area for the breakthrough towards Tuzla on orders from the BiHARBiH 28th Division Command.

288 There is no evidence that the Serb forces ever infiltrated the column. The fear, panic and rumors led to the frantic behavior of the people in the column, including suicides and mutual killings within the ranks.

> **among the last to get out that they saw around 400 of our prisoners at the stadium in Kasaba;** I don't know what happened to them either.[289]

Zumra Hafizović,[290] born to father Šaban and mother Sabra, née Muratović, on 30 January 1973 in the village of Potočari, Srebrenica Municipality. In a statement she gave to the ARBiH military security organs, she testified on the attacks on the column and the fighting that was carried out in the area of the Konjević Polje – Nova Kasaba road:

> …**Our soldiers made a passage through the Chetnik minefields in Buljim,** so I saw many mines on the left and right side of that path. We arrived to Kamenica around noon on 12 July 1995, and it was determined that we were to rest there.[291]

> ...Given that the front of the column had crossed the asphalt road, we were waiting for [?them] to come [?back] for us and to take us over the asphalt [road], but in the meanwhile the Chetniks closed the road again and opened extremely heavy fire at us. **The firing lasted for about 15 minutes, and they were firing at us from rifles, grenade [launchers], machine guns, anti-aircraft machine guns (PAMs), and anti-aircraft guns (PATs). After that Chetnik attack, around 200 corpses were left in that location.** During the attack, I was with my brother, uncle, and cousin and we were lying down in some sparse forest…[292]

> ...**During that shooting, our fighters from the front of the column repelled the Chetniks from the hill that they were killing us from and we picked up the wounded and headed towards that hill. Many corpses stayed in that little forest and in the fern behind us, and as I have already mentioned, there were around 200 of them**. When we came up that hill we lined up again and then I noticed that many from my column were missing.[293]

Nurif Memišević[294] testified on the casualties from the region of Buljim and Bokčin Potok in a statement to ICTY investigators on 19 January 1996:

> Coming down the Buljim mountain we found a lot of skeletons and parts of bodies of those who were killed on the way. Close from the spot of the first ambush, we found three survivors who had stayed there, hidden for about forty days. They refused to join us. We then arrived in the forest where the second ambush occurred in order to try to identify some bodies. Bodies were still all around. I recognized the bodies of two men who were with me at the beginning at their clothes and their bags. I searched for my brothers but did not find any of them. **We did not count the bodies we saw but I**

289 Statement of Bego Muminović, p. 4.
290 Statement of Zumra Hafizović.
291 Statement of Zumra Hafizović, p. 3.
292 Statement of Zumra Hafizović, p.3.
293 Statement of Zumra Hafizović, p. 3.
294 Statement of Memišević Nurif given to the ICTY investigators, ICTY 00396028, January 19, 1996, Archives of the RCIRZ.

would estimate that there were about two to three thousand bodies. We arrived in Burnice and downhill, I saw the same bodies that I had seen the first time. Nobody had moved them. Hamdija sent three men to the creek to check if bodies were still there. They said at their return that there were even more bodies in the creek than along the road.[295]

Vejiz Šabić,[296] Commander of the 284th East Bosnian Light Brigade, in a statement given to an ICTY investigator on 8 and 9 April and 16 May 2002 detailed the circumstances during the breakthrough and the casualties from the attack by the Serb forces in the area in front of the Nova Kasaba – Konjević Polje road. On that occasion, Vejiz Šabić testified about the attack by the Serb forces on the ARBiH 28th Division, wounding and death of a large number of soldiers, the death of Ibro Dudić, Commander of the ARBiH 28th Division 282nd East Bosnian Light Brigade. The following are excerpts from Commander Vejiz Šabić's statement, presented chronologically:

12 July 1995

At approximately 12:00 I met with BEĆIROVIĆ, [297] TURSUNOVIĆ, MEHOLJIĆ and all commanders except Ejub GOLIĆ because he was responsible to protect the end of the column. **Shelling had already started at around the middle of the column where we had our first casualties.** We were discussing the direction where to go and how to dispose our forces. I suggested that we should move right away but we decided to stay there for some time.[298]

12 July 1995

We arrived in Jukići[299] around 21:00, I disposed my unit in position to secure the area. I was in touch with the reconnaissance who were already in Cerska and they reported that the road was still clear. Couple of hours later **BEĆIROVIĆ arrived and told me that there were many wounded and killed people because of the shelling of the Chetniks.** The purpose of the meeting was to see if I was still with the group. They were scared that I would leave without them. The meeting was set also to give a goal to everybody that we should make Udrč as our next meeting point. [300]

13 July 1995

While walking towards Udrč I heard rumours that many people from the column were killed and when I arrived at Udrč mountain we all took a rest and **noticed that when people were arriving at the meeting point they were acting strangely. People were telling me all kind of rumours and many of these rumours much lat-**

295 Statement of Memišević Nurif, pp. 4-5.
296 Statement of Vejiz Šabić.
297 Ramiz Bećirović, the then-Commander of the ARBiH 28th Division Staff.
298 Statement of Vejiz Šabić.
299 The village of Jukići is located in the region of Pobuđe.
300 Statement of Vejiz Šabić.

> **er on turned out to be true**. For example I was told that Ibro DUDIĆ[301] was killed and it showed much later that it was true. **People were talking about a big explosion that happened in one group and everyone were mentioning a big tree that fell in front of them, saying that during the explosion hundreds of people were killed.** [302] I rested at Udrč until l5:00 or 16:00 in the afternoon of 13 July. [303]

Sead Karamujić,[304] son of Vejsilo, Combatant in the ARBiH 28th Division, 280th East Bosnian Light Brigade Sabotage-Reconnaissance Platoon, gave a statement to the ARBiH military security organs on 6 August, detailing crossing the Nova Kasaba – Konjević Polje road, the losses in manpower, and the mass panic that descended after the attack by the Serb forces:

> When we set off to Buljim,[305] it was decided that the 284th Brigade would go at the front. **We had the most victims on the second day of the breakthrough, when we were crossing over the asphalt in Konjević Polje. Chetniks managed to split the column there. We did not feel any gases but we witnessed uncontrolled behavior of others. They were committing suicides, surrendering to Chetniks and throwing bombs at the column of combatants and civilians for no reason.** This made us realize that the chemical gases were being used.[306]

Bojan Subotić,[307] born 12 December 1972 in Visoko, BiH, Military Police Platoon Commander in the VRS Military Police Battalion Command in Nova Kasaba. Bojan Subotić gave a statement to ICTY investigators on 22 June 2013 and 28 September 2013. His statement is significant for its detailed description of the events in Nova Kasaba on 13 July 1995. Key excerpts from his statement match the statements of other participants from the column who testified to the events in the locality of Nova Kasaba. His statement contains important details for reconstructing the events in the area of Nova Kasaba on the aforementioned 13 July 1995. Among others, he spoke of the following events:

- The presence of a large number of ARBiH 28th Division soldiers in the region of Nova Kasaba.
- The attack on a VRS military police patrol vehicle carried out by ARBiH 28th Division members who had arrived to Nova Kasaba.
- Military Police Platoon Commander Bojan Subotić threw tear gas in the direction of the woods where ARBiH 28th Division combatants were hiding, to which effect partic-

301 Ibro Dudić, son of Husein, born 27 August 1969 in Srebrenica, Commander of the ARBiH 28th Division 282nd IBLBR, reported as missing in Konjević Polje on 14 July 1995. Listed on the ICMP and MO Potočari's missing persons lists (ICTY OTP, *The 2009 Progress Report*).

302 The aforementioned explosion occurred in the region of Kamenica.

303 Statement of Vejiz Šabić, p. 6.

304 Statement of Sead Karamujić, p. 1.

305 The beginning of the breakthrough, that is, the first combat units began the breakthrough on 12 July 1995 around 0130 hours.

306 Statement of Sead Karamujić, p. 1.

307 Statements of Bojan Subotić given to the ICTY investigators [translated from BSH for the Commision] on June 22, 2013 and September 28, 2013, Archives of the RCIRZ.

ipants in the breakthrough have testified, that they had been hit with chemical warfare.

- The first surrenders of prisoners of war in the locality of Nova Kasaba, who were then taken to the football field in Nova Kasaba.
- The mass panic and confusion that descended on the ARBiH 28th Division members, causing suicides and clashes within the ranks.
- Invitation to surrender communicated by Military Police Platoon Commander Bojan Subotić via microphone from an armored personnel carrier, detailed by breakthrough participants in their statements.
- Subotić confirmed the presence of an UNPROFOR vehicle in the area of Nova Kasaba. He stated that the UNPROFOR members responded to the fire by ARBiH 28th Division members.
- The surrender of a large number of prisoners of war in Nova Kasaba, taken to the football field in Nova Kasaba.
- The arrival of General Ratko Mladić at the football field in Nova Kasaba.[308]

The following are excerpts from the statement of Platoon Commander Bojan Subotić detailing the events in the area of Nova Kasaba on 13 July 1995:

1. My name is Bojan Subotić. I was born on 12 December 1972 in Visoko, former BH, where I also finished high school, and after finishing high school in 1990, I went to complete my compulsory military service, which lasted until early May 1992. When I returned home I joined the Army of Republika Srpska (VRS) because the war had already started.
2. At the beginning of the war, because of the territory that I was in, I joined the Ilijaš Brigade for about five or six months and in December 1992 I moved to the 65th Motorized Protection Regiment. In that unit I occupied various posts, including the post of commander of an anti-terrorist platoon and service in the military police.
3. Colonel Milomir Savčić was the Commander of the 65th ZMTP (Motorized Protection Regiment), and Major Zoran Malinić was the Commander of the Military Police Battalion within that regiment. Our primary task was to provide security for the VRS Main Staff and I was the commander of the security detail several times.
4. In July 1995 I was in the Military Police Battalion of the 65th Motorized Protection Regiment, where I was a commander of a military police platoon and at the same time, the patrol service desk officer, and/or the commander for security of the battalion command.
5. The command of the military police battalion and the military police battalion were located in Nova Kasaba, but as it happened, in July 1995, only the command was there and I was there as its security. There were perhaps about ten of us.
6. In the first half of July 1995, I remember we were on regular security duty at the command and I was on patrol with five soldiers when a local woman approached us and told me that her house was full of Muslim soldiers and the area around her house, with a meadow and a forest, was also full of Muslims. I ordered the patrol

308 For more details, see Section 4.1. Prisoners of War.

I was in, as their commander, to take one BOV-7 armoured combat vehicle and be ready, while I went, with two soldiers, I think, towards that house to check the situation to which the woman had alerted me.

7. I had not even reached the house when I ran into an ambush and machine-gun fire from Muslim units. The fire came from near her house. We returned fire and I radioed the BOV-7 that I had previously put on alert for support so we could withdraw.

8. The machine-gun fire we were caught in was coming from the forest, in other words from near the house that the woman had warned us about. This was practically a tributary of the Zeleni Jadar River. From what I could see, during a kind of respite, there were about 1,000 Muslim soldiers there and in my estimate they had dozens of machine guns. We had only a clip with some thirty bullets each so our only option was to pull out from the area. My thinking went along the lines of us pulling out towards Milići because we had neither the manpower nor the weapons to counter the attack.

9. I tried to contact the Command of the 65th ZMTP in Crna Rijeka via the BOV-7 radio, to seek instructions about what to do next, but I did not manage to get through.

10. From the barracks I took all the ammunition intended for securing the facilities and while I was thinking about what decision to make**, I heard intense machine-gun and mortar fire, but this time from the other side, from the direction of Konjević Polje.** Knowing that there were many civilians there, I headed down there in a combat vehicle together with those five soldiers.

11. All this lasted about an hour, perhaps two hours, and after that I managed to contact Major Malinić, who was the Military Police Battalion Commander. He ordered that we must not leave the civilians in Nova Kasaba unprotected as there were many of them, but to patrol the area along a stretch of the road between the command and a bend in the road near a football field. This was the Nova Kasaba-Konjević Polje road, a stretch of about 300-400 metres from the command to the bend in the road.

12. **During the patrol I was under fire all the time and I returned fire. In the meantime, some enemy soldiers began to surrender. From the combat vehicle I was in, I also fired six tear gas canisters into the forest. After firing the tear gas, a group of 10 to 15 Muslim soldiers surrendered to me**. They were disarmed and Staff Sergeant Petrović, also from the 65th ZMTP, who was there, went with them to the battalion command.

13. I spoke with these 10 to 15 soldiers who had surrendered and they told me that the Srebrenica unit – either a brigade or a division I do not know – had many men in the forest who wanted to surrender, **but they were arguing with each other and were killing each other because some were in favour of surrendering while others were not.** Weighing what these soldiers who surrendered told me, **I switched on the loudspeaker on the combat vehicle and called on the soldiers to surrender. After about fifteen minutes, a group of around 300 hundred men, in my estimate, surrendered.**

14. When this group surrendered, they came out from across the road from the football field, with their hands in the air, and said that they wanted to surrender and not to shoot at them. I told them, also over the loudspeaker, to throw their weapons to the side, walk towards the paved road and get into the football field, and they did.

15. There were two Muslim soldiers there who were seriously wounded and one who was slightly wounded. I bandaged the two who were seriously wounded myself

and the third, the one slightly wounded, was bandaged by one of my soldiers. I immediately radioed Sergeant Petrović at the command to send medical unit urgently and I also asked him to send support because there was a risk that we would be literally wiped out at any moment by the Muslim troops that were still in the forest.

16. There were no problems whatsoever with the Muslim soldiers who had surrendered. **They accepted in every respect my demand that they relinquish their weapons and when they entered the football field, they asked me to go with them up into the forest because their commanders were killing the people who wanted to surrender. Their request was phrased in terms of making them stop the killing, and for the situation to be resolved. They were physically exhausted**.

17. The soldiers who surrendered were thirsty. I gave the water I had with me to the two men I was speaking with and told all the others that they were free to go to the brook next to the stadium to drink some water and then come back. They did so.

18. I went with the two Muslim soldiers I had spoken with and two of my soldiers towards the forest, or more precisely these two Muslim soldiers took me in the direction where the other Muslim soldiers were.

19. When I arrived with them to the location they had told me about, where the Muslims had been killing each other, I saw a horrible sight. There were over 500 dead people there. I saw people who had been hanged and wounded people. There were people there who had been wounded by hand grenades or shells, bombs had been thrown at people who wanted to surrender by opponents of the idea. It was a truly horrible sight.

20. As I have said, there were also some wounded people there. We bandaged them the best we could with the bandages we had with us. We carried those five to six people to the football field. The earlier group was there at the stadium, only enlarged, as two of my soldiers who had remained with the combat vehicle told me, **by 200 people**, in other words, a group of Muslims had come down from a direction different than the one where I had gone.

21. About ten minutes after I returned with these wounded, a mobile medical unit arrived from the Milići hospital. They treated the wounded Muslims and, as far as I can recall, the two or three men who were seriously wounded were immediately taken to the Milići hospital.

39. When I arrived at the Command to report to Commander Malinić upon my return from Bratunac, I found the two UNPROFOR officers who had returned fire of the Muslim units from the forest that morning at the Command. I really do not know how and why they were at the Command in Nova Kasaba.[309]

Svetozar Marinković,[310] physician in the combat hospital in Milići, who had gone into the field in the area of Đugum and Nova Kasaba on 13 July 1995 to provide medical assistance to the wounded combatants from the column that had surrendered to the Serb forces.

309 Statement of Bojan Subotić, pp. 2-7.

310 Statement of Svetozar Marinković [translated from BSH for the Commision], Republika Srpska Ministry of the Interior, CJB Bijeljina Public, Police Station Srebrenica, No. 12-1-6/02 [handwritten number: 73]/04, April 13, 2004. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

Svetozar Marković gave a statement to the representatives of the RS Ministry of the Interior, in his capacity as a witness to the circumstances of the events around Srebrenica between 10 and 19 July 1995. Eyewitness Dr. Svetozar Markinković described the events and the nature of the injuries inflicted on the participants in the column:

> When members of the VRS saw him, I heard them say: "Bring him over here, here is a doctor". After that, many injured persons started coming and asking for medical help. Most injuries were minor gunshot injuries of soft tissue. Some of them were barefoot and had blisters on their feet, some of them had scratches on their bodies, and all of them were asking for some painkillers. **They were saying that there were a lot more wounded and killed in the woods who were mostly killed by mine explosive devices in the woods, but they also said that some got killed in conflicts among each other.** He mentioned name Zulfo and how this person gathered his family and transported money and gold from Srebrenica on six horses, and how he ordered them to break through to their territory at the expense of their lives, and that he said he would personally murder anyone who decides to surrender.[311]

Dragoje Lazić,[312] born to father Jeremija and mother Milka, née Vidivić, on 10 July 1940 in Lukavica, Milići Municipality, medical technician from the Milići combat hospital, who had also gone with a medical team into the field to the area of Đugum and Nova Kasaba in order to provide medical assistance to the wounded combatants from the column who had surrendered to the Serb forces. Medical technician Dragoje Lazić gave his eyewitness statement on those circumstances to the representatives of the MUP RS on 21 April 2004. The eyewitness testified about the wounded combatants and stated that a certain number of them had been taken to the hospital in Milići. The following is an excerpt from the statement of Dragoje Lazić.

> As we arrived to the scene, we examined persons who checked in with us. **There were a large number of wounded and even severely wounded persons who were brought in the blankets. They mostly had gunshot wounds.** When they were examined, severely wounded persons were transported to the Milići Hospital in an ambulance. I was busy with persons with minor injuries, so I did not pay attention and I did not know how many persons were transported to the Milići Hospital.[313]

311 Statement of Svetozar Marinković p. 2.

312 Statement of Dragoje Lazić [translated from BSH for the Commision], Republika Srpska Ministry of the Interior, CJB Bijeljina, Police Station Milići, No. 12-1-8/02-230-67/04, April 21, 2004. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

313 Statement of Dragoje Lazić, p. 2.

Mevludin Hrnjić,[314] religious minister and ARBiH[315] member. In a statement to the ARBiH security organs, he testified on the losses suffered by the ARBiH 28th Division in the area of Pobuđe, and towards the Kravica river canyon and Konjević Polje:

> On the way to Tuzla, since I saw what was happening, **I managed to get out of there with a large group and [we] went down along Pobuđe to the Kravica River canyon where we ran into another ambush in which around 100 people were killed. As fate would have it, I stayed alive and reached the village of Krajnovići, where I found a large number of men, and all of us started moving towards the asphalt in Konjević polje [sic], that is, Kaldrmica. Again the Chetniks waylaid us there, firing at the crowd, killing and wounding many people, and many were captured**.[316]

4.2. Fighting and Casualties between the Nova Kasaba – Konjević Polje Road and the ARBiH-Controlled Territory

Command and a certain number of units of the ARBiH 28th Division successfully crossed the Nova Kasaba – Konjević Polje road on 13 July 1995 between 0400 and 0800 hours. A day earlier on 12 July 1995, at the staging area in Kamenica (Bratunačka Kamenica), it was agreed that the next staging area would be in the village of Udrč, 12-13 kilometers away from the Nova Kasaba – Konjević Polje road. The staging in Udrč would begin in the morning on 13 July 1995. A large part of the column did not make it across the road and remained surrounded by the Serb forces. The ARBiH 28th Division Command made the decision to send a part of the elite forces to help the units left behind in the encirclement get across the road. Between 1500 and 1600 hours on 13 July 1995, the Serb forces launched an artillery strike against the ARBiH 28th Division in the locality of Udrč. The ARBiH 28th Division Command changed the decision to send a part of the forces back for the units left in encirclement, and gave the order that the units and the Command would continue the breakthrough in the direction of Tuzla. The events relating to the fighting and the casualties in the area behind the Nova Kasaba – Konjević Polje road, especially in the locality of Udrč, are backed up with statements of the surviving participants in the breakthrough.

Eyewitness **Enver Avdić,**[317] born to Sado and Hamida Halilović on 7 July 1977 in Gladovići, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 27 October 1995. Enver Avdić spoke about the casualties in the village of Cerska, which is located behind the Nova Kasaba – Konjević Polje road, and in front of the staging area in Udrč:

314 Statement of Mevludin Hrnjić.

315 Melvudin Hrnjić is logged in ARBiH files as its member: Mevludin Hrnjić, (ARBiH), born 1970 in Kamenica. Previous congregation: Karakaj, congregation since 1995: Srebrenica. Imam hat. mua. i vjerou. (OIZ Zvornik) *ARBiH, 28th Division, 190695, *List of imams in the Srebrenica Islamic Community Organization, EAE8L6OC*, p. 2).

316 Statement of Melvudin Hrnjić, p. 2.

317 Statement of Enver Avdić.

> The source also told us that he saw around 100 killed and massacred men on both sides of the road as he was walking through Cerska.[318]

Vejiz Šabić,[319] Commander of the 284th East Bosnian Light Brigade, gave a statement to ICTY investigators on 8 and 9 April and 16 May 2002, detailing the events of 13 July 1995:

> **13 July 1995**
>
> There was a meeting with BEĆIROVIĆ[320] and all commanders. We expected Ibro DUDIĆ to arrive soon and we tried to establish the truth in all the rumours that we heard. We had to make a decision about going back to help the people who were cut off behind us or to continue walking towards Tuzla. We took everything into consideration as much as we could because we were not either trained or psychologically prepared for this type of operation. I suggested that someone replaces me and I would go back to help the people who were cut off behind. Just about that time we received an information that part of the column who was cut off behind managed to crossed with DUDIĆ and they were walking towards us. It turned out later on that it was not true. Around 15:00 and 16:00 the Serbs started to shell Udrč Mountain from Lijesanj area and we made a quick decision to continue walking toward Tuzla and I was leading the column with my unit.
>
> ... At that point it was not heavy shelling and it stopped afterwards. After a common decision, Ejub GOLIĆ stayed at Udrč Mountain to wait for Ibro DUDĆ*[321]* and the rest of the column. Later on I was told that only some smaller groups arrived and DUDIĆ*[322]* and the rest of the column never appeared. [323]

Sead Karamujić,[324] son of Vejsilo, Combatant in the ARBiH 28th Division, 280th East Bosnian Light Brigade, Sabotage-Reconnaissance Platoon, gave a statement to ARBiH military security organs on 6 August 1995, testifying about the part of the military formation that had successfully made it across the asphalt road, unlike the 282nd Brigade Commander Ibro Dudić's brigade:

> On Udrč, I learned that the commandant of the 283rd Brigade*[325]* whose last name was Dudić if I remember correctly, stayed behind with his men and could not cross over

318 Statement of Enver Avdić p. 3.
319 Statement of Vejiz Šabić.
320 Ramiz Bećirović, then-Commander of the ARBiH 28th Division Staff.
321 Ibro Dudić, ARBiH 28th Division 282nd IBLBR Commander.
322 Ibro Dudić, son of Husein, born 27 August 1969 in Srebrenica, Commander of the ARBiH 28th Division 282nd IBLBR, reported as missing in Konjević Polje on 14 July 1995. Listed on the ICMP and MO Potočari missing persons lists (ICTY OTP, *The 2009 Progress Report*).
323 Statement of Vejiz Šabić, p. 6.
324 Statement of Sead Karamujić.
325 Ibro Dudić was the Commander of the 282nd Brigade, rather than the 283rd, as said in the statement.

> the asphalt. The rest of the commandants of the Brigades and the S[326] Battalion were at the front of the column.[327]

On 14 July 1995 around 0700 hours, fighting broke out in the Liplje sector. The same day, 14 July 1995, the ARBiH 28th Division continued the breakthrough in the direction of the villages of Snagovo and Marčići. Between 1400 and 2100 hours on 14 July, fighting was ongoing in the area of Snagovo and the village of Liplje, as well as in the direction of the village of Marčići. The same evening, 14 July, the ARBiH and the VRS engaged in intense clashes in the village of Marčići. In addition to infantry, the VRS used armored combat vehicles in those clashes. The ARBiH 28th Division suffered significant losses in manpower at that location. The following are excerpts from the statements of participants of those, even Hamid Mujčinović, participant in the breakthrough, testified on large-scale fighting near the village of Kamenica (Zvornička Kamenica):

> The following day, 14 July of this year, not too far from Kamenica (Zvornička), we ran into a Chetnik ambush, point-blank range, the fighting went on for several hours, and we suffered casualties in the form of close to 600 killed soldiers and civilians and around 400 with minor and major injuries.[328] The fighting broke up the column, which consisted of about 6,000 people at that point, out of which 2,000-3,000 managed to cross over, in my estimation, and the rest headed back in the direction of Udrč, and that is the last I know of their fates. In the course of those fights, we killed plenty of Chetniks, and captured a Chetnik VP (military police) Captain named Zoran, around 40 years old.[329]

Vejiz Šabić,[330] Commander of the 28th East Bosnian Light Brigade, testified on the battles waged on 14 July 1995 in the region of Liplje, in a statement given to ICTY investigators on 8 and 9 April and 16 May 2002:

> That area was difficult to walk through but we had no other choice if we wanted to avoid Velja Glava. When we arrived above Liplje village we were approximately 2000 people as far as I could have seen, although there were some estimations that there were approximately 5000 to 6000 people. We stayed there until sunrise. At that point we were looking at the Chetnik's back. **Everything was in order until 07:00 in the morning when the Chetnik started attacking us.**
>
> **They started shooting at us but when we started shooting back- they withdrew.** I can not remember which unit they were from because they were too far: 150 to 200

326 The letter most likely resembles the word Srebrenica.
327 Statement of Sead Karamujić, p. 3.
328 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
329 Statement of Mujčinović Hamid [translated from BSH for the Commision] , BiH, ARBiH 28th Division 284th IBLBR Member, ICTY 06685473, Archives of the RCIRZ, p. 2.
330 Statement of Vejiz Šabić.

> meters from us. At that time we started to have big problem with our own people because the people were tired and they were starving. **Some of them were hallucinating and some were jumping and singing and some of them were walking towards the Chetniks to surrender. At that stage people started committed suicide**.[331]

Sead Hasanović,[332] born 1 April 1964, testified on the casualties in the area of the Liplje village in a statement given to ICTY investigators on 9 and 16 June 2000:

> We encountered some more men in an area named Kamenica. That is not the same Kamenica where we were ambushed, but a different one towards Zvornik. We passed through the village of Lipanj [sic]. I saw a lot of dead bodies on the stretch after the Liplje Elementary School. Dctually, dead bodies were strewn all around the area, and we would run into some approximately every 10-15 minutes. I had also seen people crawling along the road because they were unable to keep walking.[333]

Kadrija Avdić,[334] born to father Šaban and mother Rešida on 4 April 1974 in Ljeskovac, Srebrenica Municipality, gave a statement to the members of the MUP RS, Srebrenica Police Station, on 16 April 2004, confirming the losses suffered by the ARBiH 28th Division in the area of the village of Liplje.

> Moving further around the locality of Liplje, I also encountered people from the column that crossed before us and continued towards Tuzla, that had died of grenades or bullets. I later learned that there had been an ambush there and that the ARBiH and VRS members clashed.[335]

Rizo Šečić,[336] son of Salih, member of the ARBiH 28th Division 283rd Brigade, confirmed in his statement the fighting between the ARBiH 28th Division and the VRS.

> Around dusk, we had almost reached to Snagovo, and then we crossed a stretch of asphalt. We went to the right from the asphalt, up a hill, where we ran into a Chetnik ambush. First they started shooting at us from infantry weapons. **Then a praga started shooting on the moving column from the right side of a hill, and a tank from the left side. There was a bunch of dead and wounded there. We fought back against the Chetniks with infantry weapons, and captured, to my knowledge, two**

331 Statement of Vejiz Šabić, p. 7.
332 Statement of Hasanović Sead given to the ICTY investigators [translated from BSH for the Commision], ICTY 03021141, June 9 and 16, 2000, Archives of the RCIRZ.
333 Statement of Hasanović Sead p. 3.
334 Statement of Avdić Kadrija [translated from BSH for the Commision], Republika Srpska Ministry of the Interior, Srebrenica Police Station, No. 12-1-6/02-93/04, April 26, 2004, Archives of the RCIRZ.
335 Statement of Avdić Kadrija.
336 Statement of Šečić Rizo [translated from BSH for the Commision], ICTY O2631680, August 6, 1995, Archives of the RCIRZ.

> **Chetniks… I saw during the breakthrough that many of the combatants and civilians[337] committed suicide en masse with bombs, rifles, and anything they could grab. A lot of people were out of their minds.**[338]

Nazif Osmanović,[339] son of Nurif, born 25 April 1946 in Pribidol, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector on 20 December 1995, where he detailed the fighting near the locality of Snagovo.

> On the way to Udrč, we came across approximately another 300 citizens, and on a hill above Kamenica another 400 men fit for the army. **We all headed together towards Snagovo, and near Snagovo we ran into a Chetnik ambush where many of us were killed or wounded and we were dispersed into smaller groups. I was in a group with a man called Širhan, son of Uzejr, Sead Aljić, son of Ibiš, from Hadžići, Midhat Kadić from Vukolik in Srebrenica municipality, a man called Mustafić, aka Beli, from Šljivice, Sejdalija Muminović, and others**. Since we did not succeed in crossing the asphalt [road], we went to Baljkovica where we found about 600 civilians among whom was a man called Suad, a native of Kazani, with 90 soldiers. On 25 July 1995, I tried to cross over to the free territory with Sakib Efendić, Ševko Orić, Meho Orić, Rešad Efendić, Halid Efendić, and others.[340]

Ševal Ademović,[341] born to Salih and Mejra Avdić on 29 July 1951 in the village of Podosoje, Srebrenica Municipality, gave a statement to the Agency for Investigations and Documentation (AID)[342], Tuzla Sector, on 19 January 1996, confirming the casualties in the area of Snagovo:

> In one moment I was alone and without a weapon, **but on the way I encountered groups of our fighters** that were going in the direction of Kušlat and Snagovo. Upon arriving to Kušlat, we tried to cross the asphalt [road] and continue towards Snagovo, but because of Chetnik operations and their patrols, we did not succeed in doing that. Nevertheless, after wandering and hiding for 2-3 days, the 17 of us managed to break through to Snagovo. **When we reached Snagovo, we attempted to break through to Baljkovica and Memići, and during those attempts we came across bodies of our killed fighters who had attempted to break through before us, and there were also quite a few wounded.** From Snagovo we managed to get through to Memići, where we spent about 5-6 days near the [front] lines. We realised that we were in Memići because we found some piece of paper bearing the signature of some girl from the primary school in Memići.[343]

337 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
338 Statement of Šečić Rizo, p. 2.
339 Statement of Nazif Osmanović.
340 Statement of Nazif Osmanović, p. 2.
341 Statement of Ševal Ademović.
342 Agency for Information and Documentation (An intelligence agency under Muslim – Bosniak control).
343 Statement of Ševal Ademović, p. 1.

Vejiz Šabić,[344] Commander of the 284th East Bosnian Light Brigade, gave a statement to ICTY investigators on 8 and 9 April and 16 May 2002 on the fighting in the region of the village of Marčići:

> Upon approval of BEĆIROVIĆ[345] we have started to walk towards Liplje. I remember that we have passed across the school- yard. By that time it was approximately 15.30. We went to a little forest which was between Liplje and Maričići, where I find my reconnaissance unit who told me that Chetniks made an ambush so I have send a courier to pass the message to the rest of the column and told them that they all should group in that small forest as much as possible in order to make a break through the enemy line.
>
> **At that time I estimate that there were between 5000 and 6000 people in the column with me.** At first we had no idea what we were going to face but in next moment we saw heavily armoured enemy soldiers who were coming from various direction, the distance between them was 2-3 metres, and then we saw tanks, armoured vehicles and Pragas coming towards us. At that time I decide to send a small offensive group who made an offensive attack directly in front of us. By that time Serbs started to shoot at us from the artillery weapon from all sides and people started to panic. After that **I commanded the attack and the whole mass of people jumped and started the assault shouting "teqbir", "Allahu eqber" and similar.** Those were more like screams for survival than assault or anything else. We managed to break through the enemy line and I have been infront of the column. At that time, I assume that it was between 17.00 and 18.00 hours, I received a call to come back to the woods where I was before the attack because they reported that an enemy officer had been captured and that I had to see him. I went back to the forest and saw the captured officer. We used his Motorola to establish the communication with his superior officer whose code name was "Gavro". I learned that the name of the captured officer was Zoran JANKOVIĆ aka "ZOKA".[346]

Nuriz Selimović,[347] father's name Abid, Operations Officer in the ARBiH 28th Division, 284th East Bosnian Light Brigade Command, rank: Lieutenant, gave a statement to the military security organs of the ARBiH on 26 July 1995. Selimović detailed the fighting between the ARBiH 28th Division and the VRS in the localities of the villages of Marčići, Crni Vrh and Perunike:

> I called Commandant Šabić, Ejub Golić, Comamndant of the Independent Battalion and Nedžad, security officer from Command of the 28th Army Division again. I wanted to make a plan to break the ambush. **We agreed we should let them come close to us so that we could inflict more casualties. We opened fire on them, we shouted like one: go; we jumped and set off. We forced them to run away. We murdered**

344 Statement of Vejiz Šabić.
345 Ramiz Bećirović, Commander of the ARBiH 28th Division Staff, commanded the breakthrough towards Tuzla.
346 Statement of Vejiz Šabić, p. 8.
347 Statement of Nuriz Selimović.

four of them on spot and captured 5-6 of them. We let 2 of them live and the rest of them we.....[348] One of the two captured persons was Captain Zoran.

We ran to CRNI VRH. There was I, a group of 200 combatants who were going with me and Commandant Ejub with his entire battalion. We stopped on a hill at PERUNIĆI to wait for the others and to dress wounds of the injured ones.[349]

……..

Besides him, other negotiators were Commandant EJUB GOLIĆ and Commandant of the 281st Brigade, ZULFO TURSUNOVIĆ. Their wish was to clear our way without anyone getting hurt – neither us nor them. Then Zoran the Chetnik called his commandant through Motorola and told him that they should not be standing on the road for their own safety. We all heard what the commandant replied: "We'll do only as we agreed". Zoran the Chetnik answered him that it was not going to happen, that there were a lot of us so some might go through and some might not, and that we were not going to surrender. The commandant told him that he should not be afraid and that everything was going to be fine. They finished the conversation.[350]

Bego Muminović,[351] son of Ćamil, born 20 June 1954 in Kamenica, Zvornik Municipality, Commander of the Mujahideen Company 1st Platoon within the 283rd Mountain Brigade, testified on the fighting in the region of the village of Marčići in a statement to SDB Tuzla on 22 July 1995:

After breaking through from Konjević Polje without great difficulty the column managed to reach Liplje, Salihovići, and Marčići. Due to timely information received from our reconnaissance units, after preparation we managed to crush an aggressor ambush at Maričići, capturing 7 aggressor soldiers including one Major originally from Maglaj, who was brought to the free territory of Tuzla. After breaking through that line at Marčići, we set off towards Snagovo, where we again started *[illegible: crossed out]* consolidating the column. I heard from my commander that when that Major was interrogated they **learned** that an ambush had been set up at Perunica[352] [sic] consisting of a large number of aggressor soldiers. Our command enabled that captured Major to establish a radio communication with the aggressor forces at Perunica [sic] and then he told them that 20,000 civilians from Srebrenica were moving in their direction, of which 10,000 were ARBiH members. **Information was also obtained from the Major that the aggressor side was assuming that there were around 2,000 civilians and ARBiH members in the column.** The very fact that there was a significantly greater number [of persons] than the one that had been presented to them affected the aggressor side at positions at Perunica [sic], so after an hour or two of negotiating they allowed our column to safely pass the Snagovo-Perunika route. While we were moving along that route, which took around three hours, the aggressor side did not react in any way.[353]

348 Killed.
349 Statement of Nuriz Selimović p. 5.
350 Statement of Nuriz Selimović p. 5.
351 Statement of Bego Muminović.
352 Perunika.
353 Statement of Bego Muminović, p. 4.

Mehmedović Fadil, son of Adil, born 2 May 1975 in Slatina, Srebrenica Municipality, ARBiH member since 1 January 1993, gave a statement to the military security organs also on crossing this road and the fighting and casualties suffered there:

> We took off from Udrč, there were a lot of Chetnik ambushes, I do not know what the positions in that area are called. When we reached the asphalt leading to Zvornik and Šekovići, the Chetniks cut us off there, I saw a lot of bodies by the road.[354]

The fighting continued in the region of Križevačke Njive, localities of Parlog, Pandurice and Baljkovica – which are located a very short distance from one another. The aforementioned localities are around 80 kilometers away from Srebrenica, that is, from Šušnjari and Jaglići, the ARBiH 28th Division staging area prior to the breakthrough. Intense fighting between the ARBiH 28th Division and the VRS took place in that area on 15 July 1995. **The ARBiH 28th division members inflicted significant losses upon the VRS. On that occasion, they confiscated tanks, Pragas and trucks carrying weapons and military equipment.** The fighting continued into the evening of that day and through the night on 16 July 1995. In the meanwhile, the rest of the ARBiH 28th Division column joined the units at the front. Early in the morning, between 0400 and 0500 hours, following intense fighting and severe losses on both sides, the ARBiH 28th Division attempted to break through the VRS's last line and into the ARBiH-controlled territory. Keeping in mind how close the ARBiH-controlled territory was, the ARBiH forces operated against VRS lines from the direction of Tuzla, providing backup to the ARBiH 28th Division breaking through the Serb-controlled territory. In the meanwhile, negotiations were held between the 28th Division and the VRS Drina Corps Command. **Shortly before 1300 hours on 16 July 1995, the line was broken and, in the meanwhile, an agreement had been reached to let the column pass between the ARBiH 28th Division and the VRS.** In the timespan between 1300 hours and the evening, the ARBiH 28th Division crossed over to the Bosniak-controlled territory near the locality of Nezuk. The following day, 17 July, the ARBiH 28th Division column continued to cross the line of demarcation up until 1800 hours. The following are the testimonies on those events.

Nuriz Selimović,[355] father's name Abid, Operations Officer in the ARBiH 28th Division, 284th East Bosnian Light Brigade Command, rank Lieutenant, gave a statement on 26 July 1995 to the ARBiH military security organs on the events following the fall of Srebrenica. Selimović detailed the fighting between the ARBiH 28th Division and the VRS in the localities of the villages of Parlog and Baljkovica:

> Suddenly fire was opened with artillery weapons, a tank, a Praga and an anti-aircraft machine gun in the area of PARLOG. **In less than 3 minutes, we had 25-30 wound-**

354 Statement of Fadil Mehmedović, p. 1.
355 Statement of Nuriz Selimović.

> **ed and 2 killed in the column that was moving on the slope.** We were around 100 m above the howitzers and tanks, **with so many wounded and only 5-6 of us who were not injured.** We gathered the wounded persons in places where artillery could not reach us. We spent 3-4 hours in suspense, wondering what happened to the rest of the column. Then, we established contact and waited for the evening….
>
> …**We set off, destroyed one tank and missed the other one. We came back, destroyed a crew and captured 2 transporters and a tank that was left in the bushes on the left**. We kept moving on the left side from the artillery towards Baljkovica.[356]

> When we crossed to the free territory, they had already started taking in the wounded and weak combatants. After they dressed our wounds, we were transported in a medical vehicle to Međeđa. There, we had some food and drink. In the evening, we were transported to Tuzla. **Many combatants had surgeries there and, at midnight, many of them were transported to the Tuzla garrison clinic's infirmary**.[357]

Bego Muminović,[358] son of Ćamil, born 20 June 1954 in Kamenica, Zvornik Municipality, Commander of the Mujahideen Company 1st Platoon within the 283rd Mountain Brigade, testified to SDB Tuzla on 22 July 1995 on the fighting that took place in the localities of Pandurica and Baljkovica on 15 July 1995. In his statement, Mujahideen Company Platoon Commander Bego Muminović said the following:

> The day before breaking through towards the free territory, **my unit, together with the independent battalion commanded by Veiz Šabić and Ejub Golić, carried out an attack on Pandurica, on which occasion we captured two T-55 tanks, a Praga, and an anti-aircraft machine gun (PAM).** During that attack the aggressor soldiers fled, and in a dugout I saw three aggressor officers who had been killed. **The very act of capturing the tanks restored morale to the troops so at the proposal of the command all able-bodied [soldiers] who could continue breaking through were selected.** On the same evening we started breaking through an area 15 km long and 10 km wide from the direction of Pandurice towards Nezuk. Encouraged by renewed morale, the units which were part of the 28th Division managed to break through on the **Nezuk-Bajkovica part of the front and, according to the information available to us at that time, on that occasion they liquidated around 140 aggressor soldiers**.[359]

Sead Karamujić,[360] father's name Vejsilo, Combatant in the Sabotage-Reconnaissance Platoon of the ARBiH 28th Division 280th East Bosnian Light Brigade, gave a statement to the ARBiH military security organs on 6 August 1995, detailing the fighting in the localities of Pandurica and Baljkovica:

356 Statement of Nuriz Selimović, p. 6.
357 Statement of Nuriz Selimović, p. 7.
358 Statement of Bego Muminović, p. 1.
359 Statement of Bego Muminović, p. 4.
360 Statement of Sead Karamujić.

> The commandant of the Srebrenica Mountain Brigade was killed. His name was Ejub Golić. This happened before the breakthrough to the free territory. Vejz Šabić, the commandant of the 284th Brigade was also wounded in Baljkovica. By my estimation, around 6,000 to 7,000 **combatants and civilians**[361] did not cross to the free territory.[362]

Sead Karamujić further describes the events:

> When you take into consideration all the equipment they had (2 tanks which we captured, an anti-aircraft automatic machine gun, a Praga and their personal weapons), they turned out to be real cowards. All of the Chetniks' equipment which we captured had to be burnt down since we were not able to move it to the free territory. **This equipment was used in the artillery preparations of the breakthrough.** We used the captured tank to destroy another Chetniks' tank that was shooting at us on Baljkovica. **An enormous amount of infantry ammunition was also captured; we used it during the breakthrough. One Chetniks' officer was imprisoned in Snagovo. 11 Chetniks were murdered in Snagovo and the aforementioned officer was imprisoned.** Since it had been a long time since I was in a battle, I was wounded 30 minutes after entering the battle on 16th July 1995. I was shot in the right wrist joint; it was a single gunshot wound. They brought me back to a house in Baljkovica where all the other persons wounded in the breakthrough were. After the breakthrough, I was carried to the free territory.[363]

Refik Hamidović,[364] Assistant Commander of the Sabotage-Reconnaissance Platoon in the 28th Srebrenica Mountain Battalion, gave a statement on 6 August 1995 detailing the fighting in the region of Baljkovica:

> We stopped in Križevačke Njive. **The only ones who moved forward were armed soldiers who were supposed to break through the line in Baljkovica. Commandant Ejub Golić and Commandant of the 284th Brigade, Vejz Šabić, went with the army. However, as they were approaching the line, Commandant got close to the tanks and he took them over with a group of people. They took over two tanks.** As soon as they took over those tanks, they turned them to the opposite side. However, another tank was operating from a trig point unknown to me and a **grenade hit a place where Commandant Ejub Golić was. He was mortally wounded.** In Baljkovica, he only lived for another hour after he got shot. His grave is there. **Soldiers and other people did not know anything about Commandant Ejub Golić being killed. Before he passed away, I told everyone not to tell this to other people and soldiers.** From there, we set off towards the other line in order to make a breakthrough. Our men from Podrinje helped us. **On 16 July 1995 between 3 PM and 4 PM, all Chet-**

361 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.
362 Statement of Sead Karamujić, p. 2.
363 Statement of Sead Karamujić.
364 Statement of Refik Hamidović.

> **niks' lines were broken through.** At that time, the corridor towards the free territory was almost broken through. **I arrived in Nezuk as one of the first wounded soldiers.** I was administered first aid there and transported to Međeđa in an ambulance vehicle. In Međeđa, I was administrated first aid again and then they placed me in a house to get some rest.[365]

Ilijaz Pilav,[366] son of Edhem, born 13 December 1964 in Gladovići, Srebrenica Municipality, medical doctor by occupation, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 18 August 1995, detailing the fighting in the region of Baljkovica that the ARBiH 28th Division brigades were involved in:

> **My part of the column which consisted of about 4-5 thousand people crossed the asphalt [road] in Konjević Polje around 3 in the morning on 13 July 1995** and we arrived to Udrč mountain without bigger problems and without being ambushed. We stayed that entire day on Udrč, waiting for the remaining part of the column, and at around 1800 hours we headed further across Drinjača and entered the territory of Kamenica, which was in Zvornik municipality. In the morning of 14 July of this year, we arrived close to Snagovo and decided to rest there for the day and wait again for the others to arrive. Throughout the day, the remaining parts of the column were arriving and they were telling us about many deaths that happened while crossing the road that led to Konjević Polje. **When we headed further in the evening, immediately after crossing the old road that leads to Zvornik, we were ambushed and intense combats were we ongoing for about half an hour. Our fighters dispersed that ambush within half an hour, killed several Chetniks and captured several of them alive, and none of our men were killed and one or two were wounded.** When we crossed the asphalt [road] that leads to Zvornik and climbed some nearby hill, mass hallucinations and panic started. Then we agreed to wait there while out reconnaissance party goes to the Chetnik line - the last line for us - and see whether we can negotiate with the Chetniks to let the mass [of people] go through the line. However, the Chetniks requested, as we were told by Ibrahim Mandžić, the Commandant of the 280th Brigade, that we wait for a response from Pale. **Ejub Golić**[367] **and Vejz Šabić**[368] **decided not to wait for anything and to go straight forward and break the line. On 15 July, Ejub Golić and his men entered the first trenches and captured 2 tanks in working order. A crew immediately entered one [tank] and fired at the Chetniks. During those combats, our fighters destroyed another 3 tanks and one praga**[369] **that belonged to the Chetniks, and on that occasion I personally received 60 wounded fighters, and Ejub Golić was killed.** Soon after that we crossed over to the free territory where we were awaited by our fighters from the 2nd Corps as well as Naser with a number of our fighters from Srebrenica.[370]

365 Statement of Refik Hamidović, p. 2.
366 Statement of Ilijaz Pilav, p. 2.
367 Ejub Golić, Commander of the ARBiH Independent Mountain Battalion "Glogovi".
368 Vejiz Šabić, Commander of the ARBiH 28th Division 284th IBLBR.
369 Czechoslovakian self-propelled anti-aircraft gun.
370 Statement of Ilijaz Pilav, p. 2.

Vejiz Šabić,[371] Commander of the 284th East Bosnian Light Brigade, gave a statement to ICTY investigators on 8 and 9 April and 16 May 2002 on the fighting that took place on 15 July 1995 in the region of the villages of Baljkovica and Tisova Kosa:

> It was between 3:00 hrs and 4:00 hrs when my men woke me up and I started to walk with the column. I managed to catch up with the front part of the column and it was around sunrise when the rest part of the column that had crossed the road had been attacked from the direction of Zvomik. Since I was too far away, I was not in a position to identify which unit was attacking that part of the column. They were shooting at us for approximately 10 minutes they were using infantry weapons. After the attack the rest of the column successfully passed the road.[372]
>
> ……
>
> I have ordered the reconnaissance unit to go and check the area on our right hand side. Together with the group there was a guide who had some knowledge of the location of our forces in free territory. Since Šemso MUMINOVIĆ, Naser ORIĆ and my brother insisted on talking to the guide, I went to get him from the location where our reconnaissance unit was. When I got there I tried to refresh the memory of the guide for the area where we were because he was completely stressed out and lost. At that point, I remember that I saw some flashing and realised that a tank had attacked us. **On that occasion I was wounded in my back and between 7 and 10 of my men got killed. Ejub GOLIĆ was among them. Between 15 and 20 of us were wounded.** After that a heavy shooting from all kinds of artillery weapons started. The attack lasted for about 20 minutes. After that we heard a lot of shooting from the direction where we estimated that the 24th division was. The men who were not injured carried us who were wounded, back to the brow (pass) where we were before. It could have been around 17:00 hrs. I sent couriers to the forest where the rest of the column was to ask for some help and around 50 people came to help us. After seeing what happened to us the group that came to help started to panic, and on that occasion they informed me that the rest of the column that was hiding in woods was in a complete chaos. The people in the column had no more control of themselves. **People were in panic and many of them were committing suicides.** Ekrem SALIHOVIĆ aka EKA reported this to me. I concluded that it was now a question of minutes before people in the column went completely crazy and Chetnik' s attacks were continuously going on. I suggested that we try to break enemy lines by ourselves as fast as possible and that help was coming from the other side (BiH Army) but we couldn't wait for them any more. **We had no other option then to attack from our side in order to join our army on the other side.** I tried to make a radio contact with 24th Division but Chetniks would block any attempt.
>
> At the moment of the attack I never noticed that the weather condition was changing. Suddenly a big hailstorm occurred. The hail was the size of a nut and the fog came in. **All this lasted between 15 and 20 minutes and had the affect that the artillery from the chetniks slowed down. We started our attack at about the same time that the storm came in. This turned out to be an advantage for us.**
>
> Because I was wounded Ekrem SALIHOVIĆ aka EKA was commanding the attack for the first wave with 50 men. At that time, my rough estimate is that it was around

371 Statement of Vejiz Šabić.
372 Statement of Vejiz Šabić, p. 8.

> 18:00 on 15 of July. I stayed at the brow, after the attack Ekrem SALIHOVIĆ aka EKA reported to me that during the attack they took over one Chetnik's artillery position where they seized two tanks, one Praga, two broken trucks. Since the tanks were broken but only in a sense that we couldn't drive them, we used them to shoot at the enemy. In the meantime we were spotted and Chetniks damaged the tanks. During the whole evening and night the fighting was going on at the front line. Meanwhile the rest of the column arrived and rested trying to take care of all the wounded.[373]

Other eyewitnesses confirm the above stated facts about the fighting and the casualties in the region of Baljkovica. One of those is Senahid Hasanović,[374] who in a statement to the members of the RS Ministry of the Interior, detailed the fighting with the VRS, the losses in manpower, and breaking through the front line towards Nezuk:

> We crossed the Zvornik – Tuzla magistral road under Crni Vrh and continued toward Baljkovica, where we were met with artillery and tanks, which we managed to capture thanks to the inclement weather, the rain and the hail. Many ARBiH combatants were killed in the effort, including the Mountain Battalion Commander Ejub Golić… We spent the night by those tanks and waited for daybreak to scout the locations of the lines. That morning, we were told by the company commanders that we have arrived at the front line and that we are going into a decisive battle for our arrival to our free territory. That day, the fighting went on until 1230 hours, during which time we had succeeded in breaking through the line, and I believe that around 1,700 – 1,800 people from the column managed to cross over on that occasion, and I also believe that many people were killed in the fighting that day, maybe around 200 to 300, I was personally able to see a lot of dead bodies as I walked past them… We were unable to recover the bodies of the soldiers fallen in the fighting at Baljkovica, and Commander Ejub Golić is the only one who was buried.[375]

Hamid Mujčinović,[376] member of the ARBiH 28th Division 284th East Bosnian Light Brigade, testified on the casualties in the region of Baljkovica:

> I saw many dead bodies while crossing through the minefields in the woods near Baljkovica, as well as civilian clothing, blankets, backpacks, and various other items of clothing that probably belonged to those fallen in the earlier attempts to cross over to Tuzla. In my estimation, a large number of armed combatants and civilians were killed in the fighting that broke out in the region of Baljkovica, the last Chetnik stand towards the free territory of Nezuk.[377]

373 Statement of Vejiz Šabić pp. 10-11.

374 Statement of Hasanović Senahid [translated from BSH for the Commision], Republika Srpska Ministry of the Interior, April 23, 2004, Archives of the RCIRZ.

375 Statement of Hasanović Senahid, p. 1.

376 Statement, Mujčinović Hamid, p. 2.

377 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

The largest part of the ARBiH 28th Division members carried out the breakthrough on 16 and 17 July 1995. However, smaller groups from the column did not manage to reach the ARBiH-controlled territory in that timespan. In the following days, smaller groups of soldiers were trying to break through. A certain number succeeded, while a certain number were captured by the Serb army and later exchanged. The following are several statements backing up that claim.

Halid Alić[378] born to father Hamed and mother Alija, née Osmanović, on 24 October 1969 in the village of Rađenovići, Srebrenica Municipality spoke on those events in a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 17 October 1995:

> In the afternoon that day, a person named Suad and six more soldiers went on a reconnaissance. One soldier comes back in the evening and informed us that we will move on 22 July 1995 at 6 AM. As agreed, around 250 people headed to the Hunting Lodge. When we arrived at the **Hunting Lodge, Suad picked 70 well-armed soldiers, as he had previously taken all the weapons and bombs from wounded people.**
>
> On that occasion, Suad told us that he would leave with 70 soldiers, and then he would come back in the evening to get the wounded and other soldiers and civilians. His goal was to transfer everyone to the free territory. However, the source told us that Suad made a breakthrough with the 70 soldiers…[379]

Moreover, **Halid Alić**, detailed the attempted breakthrough on 24 July 1995 and his capture by the VRS:

> However, the source, his brother Hasan, and people named Bećo and Hasib tried a new breakthrough on 24 July 1995 around 4:30 PM. Chetniks captured them above the village of Memići. Chetniks escorted them to the village and imprisoned them in a basement of a building owned by one family. After spending a short period of time in Memići, they were transported to Karakaj in a van. The source and his brother Hasan were taken to the military hospital in Zvornik as severely wounded persons. After the operation and dressing the wounds, they were returned to the Batkovići camp, where they had stayed until 29 September 1995 when they were exchanged on the Satorovići dividing line.
>
> …At the end of this informative conversation, the source told us that the prisoners were treated in a humane and fair way; that they were taken to Bijeljina twice a week to do check-ups and dress the wounds, and that they had not been forced to do labour work as other, healthy prisoners had been.[380]

Enver Avdić,[381] born to Sado and Hamida Halilović on 7 July 1977 in Gladovići, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service,

378 Statement of Halid Alić.
379 Statement of Halid Alić, p. 3.
380 Statement of Halid Alić, p. 3.
381 Statement of Enver Avdić, p. 1.

Tuzla Sector, on 27 October 1995. Enver Avdić detailed the attempted breakthrough by the remnant groups from the column who tried to break through on 20 and 21 July 1995. Enver Avdić said the following on those circumstances:

> When they arrived in Baljkovica, they decided to form smaller groups in order to make a breakthrough to the free territory more easily. As Enver stated, they stayed for two days in Baljkovica. On that occasion, they managed to cross over the road towards the nearby forest without being detected. There, they formed another group for the continuation of the journey. The source was in the group with the following persons: Safet Avdić (1965), Hakija Avdić (1950), Dalija Hukić (1974), Dalija Halilović (1974), Dahmo Halilović (1970), Ramo Halilović (1928) and nine more men from Srebrenica whom he did not know. After forming the aforementioned group in Baljkovica, they managed to cross over the asphalt and spend one more night in a forest. On 20th July 1995 at around 7 AM, they continue moving through the woods towards the free territory. However, near Baljkovica, they walked upon a Chetniks' ambush. Chetniks then opened fire from infantry weapons and fatally wounded a person named Refik from Dimnić, while the source was shot in left leg. **The source also told us that there were five automatic rifles in his group, and that they opened fire from those rifles in the direction of Chetniks.** That way, they made a retreat deep into the woods, while killed Refik remained lying in the place he was killed. **As they were walking deeper into the forest, they found 150 soldiers and civilians**[382] **in a stream.** They joined them and had a rest until the next day. **However, on 21st July 1995, a person named Suad from Kazani near Srebrenica decided to break through towards the free territory with a group of 100 well-armed soldiers. He left wounded and unarmed men by the hunting lodge**.[383]

In the days following the intense armed clashes, individual groups of the ARBiH 28th Division that had been left behind the front of the column encountered the bodies of those fallen in the breakthrough between the region of Snagovo and all the way to the ARBiH-controlled territory. The following are excerpts from eyewitness statements.

Isad Mujanović,[384] born to father Avdulah and mother Mejra, née Ajamović, on 4 April 1972 in Samari, Zvornik Municipality, Muslim by nationality, **ARBiH member since 8 April 1992, assigned to the 284th Mountain Brigade Srebrenica**, stated the following:

> At around 1700 hours on 8 September 1995 we set off from Kamenica, namely: Muhamed Ahmetović, Adil Nuhić, Ferid Atanović, Zijad Čikarić, Munib Salkić, and I, while the following remained in Kamenica: Mevludin Hrnjić aka "Hodža", Sead from Tegare, Almir aka "Džin" from Kamenica, Hasan Mehmedović from Drijenča, and Mirsad Musić from Cerska. We went along the following route: Kamenica, Snagovo, across Crni Vrh, then through Krizevačke njive [sic], where we found a decomposing dead

382 All able-bodied men between 15-65 years of age who had been in the reserve forces, rather than active duty members of the ARBiH 28th Division, reported to the staging area in the area of villages of Šušnjari and Jaglić for the breakthrough towards Tuzla, per 28th Division Command orders.

383 Statement of Enver Avdić, p. 1.

384 Statement of Isad Mujanović.

> body; further to the left from Krizevačke Njive we found two other also decomposing dead bodies.[385]

Zijad Čikarić,[386] born to Zulfo and mother Zineta on 20 October 1960 in Glodi, Zvornik Municipality, Muslim, ARBiH member since 6 June 1995, assigned to 6th Unit out of Kamenica, and later member of the 284th Brigade with an assignment as sharpshooter, participant in the breakthrough, testified on the corpses he encountered in the locality of Snagovo towards Nezuk:

> From Kamenica we continued through Snagovo, Perunike, Križevačke Njive, Hajvaz, Mahala, Bulatovci, all the way to Memići. We encountered no Chetniks or Chetnik ambushes along the way, but we could smell the stench of the bodies of those killed in the surrounding woods.[387]

Ismet Handžić,[388] born to father Juso and mother Abida, née Jakubović, on 27 July 1960 in Osmače, Srebrenica Municipality, ARBiH member since April 1992. Ismet Handžić, who participated in the breakthrough as a member of the ARBiH 28th Division 282nd Brigade, testified to the dead bodies along the breakthrough line:

> As I was crossing through the territory where there had been ambushes in several valleys, that is, positions where the Chetniks fired at the column, I saw, in my estimate, over 2,000 corpses that nobody had even attempted to round up in a single spot, let alone bury. I do have to note that all the way to Velja Glava, I encountered corpses that had already started to decompose, so I cannot claim with any certainty that I was able to recognize anybody.[389]

Selvid Salihović,[390] son of Lutvo, born 7 November 1978 in Zalužje, Bratunac Municipality, gave a statement to the operatives of the State Security Service, Tuzla Sector, on 20 October 1995, where he spoke of the several hundred corpses he had seen along the way from Udrč to Baljkovica:

> The source encountered no Chetnik ambushes along the way from Udrč to Baljkovica, but he had seen several hundred corpses by the road that he did not recognize, who were both on the road itself and strewn around on either side of it.[391]

385 Statement of Isad Mujanović, p. 2.
386 Statement of Čikarić Zijad given to Alija Sinanović [translated from BSH for the Commision], ICTY 02631633, September 16, 1995, Archives of the RCIRZ, p. 2.
387 Statement of Čikarić Zijad.
388 Statement of Handžić Ismet..
389 Statement of Handžić Ismet, p. 2.
390 Statement of Salihović Selvid [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, State Security Service, SDB Tuzla, ICTY 00371738, October 20, 1995, Archives of the RCIRZ, p. 2.
391 Statement of Salihović Selvid, p. 2.

Adil Mehmedović,[392] born to Adem and Nurija Zahirović on 16 May 1966 in the village of Drinjača, Zvornik Municipality, testified on the large number of casualties he had encountered in the region of Snagovo:

> Along the road in the direction of Snagovo, we encountered a large number of dead civilians. In the village of Perunika, I saw over 200 dead civilians by the road and while crossing the road, and the stench of the dead bodies was coming from the surrounding woods.[393]

4.3. Suicides/Mutual Fights

This important segment in the reconstruction of the events shall be opened with an excerpt of the transcript from the trial of Ratko Mladić, Chief of the General Staff of the Army of Republika Srpska. The excerpt is from defense attorney Mr. Lukić's cross-examination of Jean-René Ruez, ICTY Chief Investigator for the Prosecution:

- Mr. Lukić: Did you ever speak to Hakija Meholjić? He was the chief of police in Srebrenica, correct? Actually, are you aware that Hakija Meholjić was the chief of Police in Srebrenica during the time of war?
- Mr. Ruez: No. And no, the name doesn't sound familiar to me at all, and I don't think I interviewed this man, since the investigation I was in charge of was on events following the 11 of July and not before, so I never investigated what might have happened inside Srebrenica, between 1992 and 1995.
- Mr. Lukić: My question was whether you talked to him, but obviously the name doesn't ring a bell. I wanted to know whether you discussed with him the murders during the movment of the column.
- Mr. Ruez: No, I didn't.[394]

An important aspect to consider in the reconstruction of the events, that is, in understanding what happened in the column during the breakthrough, are the suicides, killings of other participants in the column, and the ARBiH 28th Division members who were killed in mutual clashes. An investigation turned up findings, based on the testimonies of participants in the column, about two wider localities on the breakthrough route where the aforementioned incidents took place. The first locality is in front of the Nova Kasaba – Konjević Polje road. The eyewitnesses testified on the panic that set in around the area of Kamenica, Sandići, Pobuđe, Đugum, due to an intense artillery attack by the VRS in the evening on 12

392 Statement of Adil Mehmedović [translated from BSH for the Commision], Republic of Bosnia and Herzegovina, Ministry of the Interior, Tuzla Security Services Center, SDB Banovići, No. 20/02-1-1056/95, 16 August, 1995, Archives of the RCIRZ.

393 Statement of Adil Mehmedović, p. 3.

394 *Prosecutor v. Ratko Mladić*, Case No. ICTY IT-09-92-T, Cross-examination of the ICTY Chief Investigator Jean-René Ruez by Mr. Lukić, May 28, 2013, Tr. 11605, accessed June 20, 2020, https://www.icty.org/x/cases/mladic/trans/en/130528ED.htm.

July 1995. The artillery attack on an area with a large number of participants in the column caused mass panic, fear, and frantic behavior. The eyewitnesses testified on the suicides and killings of other participants in the column with hand grenades and firearms. In addition, due to the ensuing chaos, a certain number of participants in the column decided to surrender to the Serb forces stationed along the road. Under those circumstances, the group was split between those who wished to surrender and those who were explicitly opposed to surrendering. The tension culminated in clashes within the column, most of which took place in the area of Bokčin Potok near the village of Sandići, and in the area of Đugum, immediately before crossing the Nova Kasaba – Konjević Polje road. At that locality, a certain number of participants in the column surrendered to the Serb forces, who transported them to the football field in Nova Kasaba as prisoners of war. This took place on 13 July 1995. As the groups were surrendering, detonations and gunfire from automatic weapons could be heard from the surrounding woods. Those were fights among the ARBiH 28th Division members.

The next locality where mass suicides and killings of other participants in the column took place is the area behind the Nova Kasaba – Konjević Polje road. More specifically, the areas of Križevačke Njive, Baljkovica and Pandurice, which are near the demarcation lines, that is, the breakthrough lines. Intense fighting occurred in the evening and during the night on 15 and 16 July 1995. Those circumstances led to frantic behavior of the ARBiH 28th Division members, which led to numerous suicides and killings of other participants in the column. It is estimated that several hundred persons died by suicide, killings of other participants in the column, or friendly clashes. The following text deals particularly with both locations where mass suicides and killings of the ARBiH 28th Division members took place. The following are excerpts from the statements of survivors.

4.4. Kamenica/Pobuđe/Đugum

Dana Ristanović,[395] born to father Božidar and mother Nada Filipović on 27 October 1963 in Ljubovija, Ljubovija Municipality, Republic of Serbia, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 14 September 1995, detailing the mutual fighting between the ARBiH 28th Division members:

> When they reached Buljin, distance between brigades at the front and at the rear was constantly increasing, and the column even split at one point. In Kravica, they walked upon the first ambush, which triggered an armed conflict. **Aggressors' soldiers started getting in the column and randomly shooting at members of the Army of RBiH.**[396] **At one moment, members of the Army of RBiH started to shoot randomly shooting at each other since they did not know who they were shooting at**.

395 Statement of Dana Ristanović.

396 The claim that members of the Serb forces infiltrated the column is unsubstantiated. The heavy detonations caused a mass panic, and a certain number of participants in the column had begun to hallucinate and behave frantically under heavy stress. The ensuing chaos and mayhem brought about rumors that the "Chetniks" infiltrated the column.

> Not long after, we could hear strong detonations which caused some of the trees in a nearby forest to fall on the ground. At that moment, they could see white, light smoke which the source claims to be a nerve gas **that caused certain members of the Army of the RBiH to throw away their weapons and disappear deep in the forest.**[397]

Mirko Vujadinović alias Micko,[398] born to father Mićo and mother Ljubinka, née Mišić, on 25 March 1955 in Milići, gave a statement to the representatives of the MUP RS on 21 April 2004, detailing the fighting within the ranks of the ARBiH 28th Division:

> I was working and I was deployed in the Milići military hospital in the time of armed conflicts. I was an ambulance driver. The Head of the Hospital was Dr Radomir Davidović.
>
> Sometime in mid-July 1995 in the morning, I cannot recall the exact date, Dr Davidović called me, Dr Marinković, nurse Ljilja Sarić and - if I recall correctly – Dragan Lazić, a displaced person from Sarajevo. I am not so sure about Dragan. Dr Davidović informed us that we would go to Đugum (border area between municipalities of Milići and Bratunac) in an ambulance vehicle. He told us that we would provide medical assistance to injured persons on sight. We headed off to Đugum in an ambulance vehicle in the morning. There, we found a larger number of Bosniak citizens gathered in smaller groups. Just as we arrived, Dr Marinković and other medical professionals started examining and providing medical assistance on sight. As ordered by Dr Marinković and later by Dr Davidović, severely wounded persons were being transported to the Milići Hospital. I think I transported two severely wounded Bosniaks to Milići. One of them knew me and called me by my name. I knew him only by sight; I knew that he was from the village of Sastavci and that he was a musician, i.e. I knew they used to play shargia (*šargija*) before war. **This Bosniak and I had a short conversation. He told me that he was wounded in a conflict between Bosniaks – the ones who wanted to exit the Srebrenica enclave and the ones who were stopping them in that intention. He also told me that everyone resented their war commandant Zulfo Tursum from Brdo who "got his ass out of there and left poor people without a leader."** I know that the aforementioned Bosniaks were provided medical assistance in the Milići Hospital, after which they were transported to the Zvornik Hospital. I do not know what happened to them later.
>
> That day, they treated a lot of injured persons. I cannot tell their number and the extent of their injuries since, after all, I was just a driver.
>
> **I can also say that, while we were taking on interventions in Đugum, we heard gunfire from the direction of Pobuđe. Since I know that our army was not present in that area, I was convinced that the Bosniak's story about conflicts among Bosniaks was true. That Bosniak also told me that there were cases of suicides (hanging, bombs etc.) committed by people who were panicking**.[399]

397 Statement of Dana Ristanović, p. 5.

398 Statement of Mirko Vujadinović [translated from BSH for the Commision] , Republika Srpska Ministry of the Interior, CJB Bijeljina, Police Station Milići, No. 12-1-8/02-230-65/04, April 21, 2004, Archives of the RCIRZ.

399 Statement of Mirko Vujadinović.

Mevludin Hrnjić,[400] born to father Mehmed and mother Mejra,née Suljić, on 8 January 1971 in Kamenica, Zvornik Municipality, ARBiH member, testified on the suicides and mutual killings in the evening on 12 July 1995 in the region of Kamenica:

> At approximately 1800 hours on 12 July 1995, we lined up again, and suddenly fire was opened [on us] from all sides, people started dropping like flies, then poison gasses were used as well, which drove the people nearly crazy, **so that many of them killed themselves with their own weapons or grenades and [in such state] they also fired at everyone they saw, so that turned into one of the greatest slaughters**.[401]

In a statement to ICTY investigators on 14, 15 and 16 August 1995, **Osman Halilović**[402] also testified on the suicides within the column:

> People panicked because there was no way out. **Many committed suicide at that point because they did not believe the Serbs. I saw at least twenty people kill themselves.** Two brothers whom I did not know hugged and kissed each other. With a heavy heart they separated from each other. They were crying, wailing, and shaking while they were moving away from each other. They stood at about five meters away from each other. One of the brothers had an automatic rifle, and the other one had a semi-automatic one. They pointed rifles at one another's head and fired. They both fell to the ground. Some were throwing hand grenades. A group of four-five people joined hands and activated a grenade between them. **There were a lot of bodies and blood everywhere, so there was a body every five meters. It was very hot and flies were gathering on the bodies.** It smelled horrible. I could not look at the bodies anymore. **I saw a total of 40 bodies right in the location where I was.** My relative and I got some water from the river and continued moving.[403]

Dragoje Lazić,[404] born to father Jeremija and mother Milka, née Vidivić, on 10 July 1940 in Lukavica, Milići Municipality, medical technician in the Milići Military Hospital, who had also arrived at the scene in the area of Đugum and Nova Kasaba on 13 July 1995 with a medical team in order to render medical aid to the wounded persons from the column who had surrendered to the Serb forces, testified on the events and mutual clashes among the ARBiH 28th Division ranks in the area of Đugum:

> But, I was in the vehicle when two persons were transported to the Milići Hospital – one person introduced himself as a teacher from Vlasenica, while the other one was from the village of Gerovi. I do not remember their names, maybe they did not

400 Statement of Mevludin Hrnjić.
401 Statement of Mevludin Hrnjić, p. 2.
402 Statement of Osman Halilović, p. 2.
403 Statement of Osman Halilović, p. 4.
404 Statement of Dragoje Lazić [translated from BSH for the Commision], Republika Srpska Ministry of the Interior, CJB Bijeljina, Police Station Milići, No. 12-1-8/02-230-67/04, April 21, 2004, Archives of the RCIRZ.

> tell me, but I do remember that they were around 30-35 years old and I had a short conversation with a person from Vlasenica during the ride. **This person told me that they had problems with Commandant Zulfo Tursun who was preventing them to surrender to the VRS. He also told me that, two or three days before they came to the main road, a conflict had happened between the ones who wanted to surrender to the army …**
>
> **…on one side and Zulfo Tursun and his soldiers on the other side. They even shot from rifles on several occasions, in one of those occasions he was wounded in his stomach.** He said that, the previous day, Zulfo Tursun and his supporters came out using the same road that they took, and that he left other persons who did not want to follow him to do whatever they wanted**. He also told me that there were a lot of suicides because people were mentally broken by the uncertainty and that they were choosing to take away their own lives as they were walking towards the main road**.[405]

Huso Salihović,[406] born to Šemso and mother Rahima, née Alić, born 8 August 1963 in the village of Moćevići, Srebrenica Municipality, gave a statement to the military security organs of the ARBiH 2nd Corps in Tuzla on 20 August 1995, detailing the events in Srebrenica. Among other things, he testified on the suicides within the column:

> There were discussions on what should be done, should we negotiate with Chetniks and so on. I said that I was going back to the woods and around 15 people went with me. As we were returning, I saw three our people who committed suicide.[407]

Refik Hamidović,[408] father's name Alija, Assistant Commander of the Sabotage-Reconnaissance Platoon in the 28th Srebrenica Mountain Battalion, gave a statement on 6 August 1995 also confirming the suicides and killings of people within the column:

> People, who had previously been exposed to the smoke from the grenades affecting the nervous system, started throwing bombs among people and soldiers and killed themselves.[409]

4.5. Križevačke Njive/Baljkovica/Pandurica

Bego Muminović,[410] son of Ćamil, born 20 June 1954 in Kamenica, Zvornik Municipality, Commander of the Mujahideen Company 1st Platoon within the 283rd Maneuver Brigade, gave a statement to the RBiH State Security Service, Tuzla Sector, on 22 July 1995, detailing the mass suicides in the area of Križevačke Njive.

405 Statement of Dragoje Lazić.
406 Statement of Salihović Huso.
407 Statement of Salihović Huso, p. 11.
408 Statement of Refik Hamidović.
409 Statement of Refik Hamidović, p. 2.
410 Statement of Bego Muminović.

> After Perunika, the column sopped at Križevačke [?Njive] below Crni Vrh, where, with strong security, the soldiers and civilians tried to rest. During the first few hours there was no panic among the gathered expelled persons and the troops; however, for reasons unknown to me, panic ensued among them, so individuals even killed themselves. I know that the logistics commander killed himself, and when he activated the hand grenade and it exploded, he also killed three more persons that were next to him and wounded himself. The extent of the panic that ensued among the civilians is also illustrated by the fact that around 50 persons killed themselves because they were completely distraught at the time.[411]

Nijaz Mašić[412] from the ARBiH 28th Division Command testified on the events relating to Srebrenica before a commission of the Government of Republika Srpska. He detailed the events that took place in the night between 15 and 16 July 1995, reflecting particularly on the suicides of combatants:

> In the night between 15 and 16 July 1995, we were only a kilometer away from the line of demarcation. The road could have been crossed in two hours, but we were taking side roads, so we took all night. I started feeling the effects of the chemical weapons again on the road. I started confusing my fellow soldiers for Chetniks and screaming out in fear. Some of the fellow soldiers killed themselves, others were tied and gagged to stop them from screaming, yet others were handed hand grenades with the pin pulled out so that they can kill themselves, all with the purpose of keeping the Chetniks from finding our position. One of the soldiers decided to cut my screaming short by handing me a hand grenade with the pin pulled out. Munir Habibović ran up to me at the very last minute and took the grenade away from me before I was able to activate it. at the same time, a young man standing next to me released his hold on a similar grenade, ending his own life. The next one survived, but he lost his arm. It was more than a horrendous sight. Still, I made it to the main staging area in Baljkovice. At the staging area, all of the ammunition and weapons from everyone present was rounded up and handed to the volunteers who were fighting. I interpreted this as our having been captured and having our weapons taken away before being killed. **I was able to recognize some faces from a distance, but as I got closer, I would confuse them for some Serbs I used to know before the war. I had 100 Deutsche Marks on me. I offered the money to people, thinking that they were the Serbs I used to know, in exchange for them getting me out of the camp. Ramiz Bećirović noticed that and assigned a young man to keep an eye on me.**[413] These events took place on 16 July 1995. We soon received word that it was time to move, that our people from Tuzla had broken through the last enemy line. I attempted to escape, but the man assigned to keep an eye on me stopped me from doing so. He brought me to the free territory at Nezuk.[414]

411 Statement of Bego Muminović, p. 4.

412 Testimony of Nijaz Mašić before the Republika Srpska Government Commission on the Events in and Around Srebrenica [translated from BSH for the Commision], No. 103/09. Archives of the RCIRZ.

413 This statement speaks about the deteriorating mental condition of the participants in the column and their hallucinations that the "Chetniks" had infiltrated.

414 Testimony of Nijaz Mašić, pp. 3-4.

Nuriz Selimović,[415] father's name Abid, Operations Officer in the ARBiH 28th Division, 284th East Bosnian Light Brigade Command, Lieutenant by rank, gave a statement to the ARBiH military security organs on 26 July 1995 detailing the mass suicides and killings among the 28th Division ranks:

> We kept searching the terrain from Križevačke Fields all the way to PARLOG.
>
> At that point, people in the back had already started committing mass suicides and showing signs of mental disorder. For example, they used to scatter around and then shoot at each other. When we arrived in Parlog, VEJZ ŠABIĆ used communication gear to contact his brother VELID who was at the free territory.[416]

Vejiz Šabić,[417] Commander of the 284th East Bosnian Light Brigade gave a statement to ICTY investigators on 8 and 9 April and 16 May 2002, detailing the panic and the suicides of his fellow combatants in the region of Baljkovica:

> I have ordered the reconnaissance unit to go and check the area on our right hand side. Together with the group there was a guide who had some knowledge of the location of our forces in free territory. Since Šemso MUMINOVIĆ, Naser ORIĆ and my brother insisted on talking to the guide, I went to get him from the location where our reconnaissance unit was. When I got there I tried to refresh the memory of the guide for the area where we were because he was completely stressed out and lost. At that point, I remember that I saw some flashing and realised that a tank had attacked us. On that occasion I was wounded in my back and between 7 and 10 of my men got killed. Ejub GOLIĆ was among them. Between 15 and 20 of us were wounded. After that a heavy shooting from all kinds of artillery weapons started. The attack lasted for about 20 minutes. After that we heard a lot of shooting from the direction where we estimated that the 24th division was. The men who were not injured carried us who were wounded, back to the brow (pass) where we were before. It could have been around 17:00 hrs. I sent couriers to the forest where the rest of the column was to ask for some help and around 50 people came to help us. **After seeing what happened to us the group that came to help started to panic, and on that occasion they informed me that the rest of the column that was hiding in woods was in a complete chaos. The people in the column had no more control of themselves. People were in panic and many of them were committing suicides.** Ekrem SALIHOVIĆ aka EKA reported this to me**. I concluded that it was now a question of minutes before people in the column went completely crazy and Chetnik' s attacks were continuously going on. I suggested that we try to break enemy lines by ourselves as fast as possible and that help was coming from the other side (BiH Army) but we couldn't wait for them any more. We had no other option then to attack from our side in order to join our army on the other side.** I tried to make a radio contact with 24th Division but Chetniks would block any attempt.[418]

415 Statement of Nuriz Selimović.
416 Statement of Nuriz Selimović, p. 5.
417 Statement of Vejiz Šabić.
418 Statement of Vejiz Šabić, p. 10-11.

5. Prisoners of War and Mass Killings

This section deals with the matters of prisoners of war and mass executions, including situational killings during capture in the days during and following the breakthrough. After Srebrenica fell on 11 July 1995, the population, civilian and military, was evacuated in two large columns. The first column consisted of civilians gathered at and around the UN base in the village of Potočari. As previously noted,[419] that group of around 23,000 women, children and the elderly was evacuated to Kladanj, a territory under the control of the Army of the Republic of Bosnia and Herzegovina (ARBiH). The second column of around 12,500 members was consisted of the members of active and reserve forces of the ARBiH 28th Division. That large column was organized into brigades on 11 July 1995, after which it set off on a breakthrough through territory controlled by the Army of Republika Srpska (VRS), on orders from the ARBiH 28th Division Command. The column was traveling in the direction of Tuzla, that is, towards ARBiH-controlled territory.[420] In order to understand the events in Srebrenica, it is crucially important to investigate the circumstances surrounding the Serb forces' entry into Srebrenica, and, consequently, the circumstances surrounding the ARBiH 28th Division's breakthrough into ARBiH-controlled territory. Research into those circumstances and determining the facts is indispensable to understanding the context of the suffering of able-bodied men (ARBiH 28th Division active and reserve forces) in the span of time between 11 and 19 July 1995.

Key questions which must be addressed here are precisely how many ARBiH members had been captured during the breakthrough, and in which locations. The next crucially important question is how many prisoners of war were killed in mass shootings.

In order to find the answers to those questions, we must begin with the previously determined facts regarding the precise number of people who had set off on the breakthrough. Demographic analysis and eyewitness statements showed that the figure is around 12,500 men. The primary question refers to the number of people who perished in July of 1995. The referential time frame we looked at is the critical period between 11 and 19 July 1995. Determining the time of the killings is crucially important. The International Commission for Missing Persons (ICMP) list of persons missing in the events of July 1995 was used as a valid source for this analysis, which the ICTY also uses as the official reference list for the suffering of Bosniaks who resided on the territory of the Srebrenica enclave. According to that list, the total number of people missing/who perished amounts to 7,692. This list includes the names of the people missing/who perished before, during and after the critical period between 11 and 19 July 1995. The critical period was defined as starting on the day that Srebrenica fell, 11 July, until 19 July 1995, by which point the vast majority of the surviving participants in the column had broken through to ARBiH-controlled territory. The breakthrough

419 For more details, see Section 2. Column/Breakthrough – Military Formation.
420 Events during the breakthrough were detailed in Section 3.

line from Baljkovica towards Nezuk was broken through on 16 July 1995, and the bulk of ARBiH members who had fought their way through crossed over to the ARBiH-controlled territory on 16 and 17 July 1995. In the following few days, smaller groups continued breaking through to Nezuk[421], and a certain number of ARBiH members were captured during and after the breakthrough.

The ICMP list contains data on persons reported as missing, including the date and approximate location of their disappearance. In practice, this list was composed based on the statements of the family members or close acquaintances reporting the location where they had last seen the missing person. The time of disappearance cannot be regarded as the determined time of death, but rather as the time when the person was last seen alive. Based on that methodology, we may posit that the persons last seen alive prior to 11 July 1995 and following 19 July 1995 most likely died outside of the critical period.[422] Using this approach to analyze the data from the ICMP list yielded a total of 6,674 names of persons who were killed in the aforementioned critical period.[423] Allowing for minimal discrepancies, it can be determined with great likelihood that 7,025 persons were killed in the critical period following the fall of Srebrenica. Having determined the starting figure of approximately 7,000 persons killed in the critical period, it is necessary to examine the estimates of casualties during fighting, mutual clashes and suicides during the breakthrough[424] in order to determine an approximate number of those captured and shot.

It is necessary to look at the casualties suffered by the column in combat operations, mutual clashes, including suicides – and estimate the number of casualties, in order to reach an approximate figure of persons killed in those circumstances.

The route of killings during the breakthrough was split into two dominant sections. The first section refers to the area between the starting point of the breakthrough in the villages of Šušnjari and Jaglići and up to the Nova Kasaba – Konjević Polje road. The second section refers to the area between the Nova Kasaba – Konjević Polje road to Nezuk, that is, ARBiH-controlled territory. It was extremely significant for this research to split the route in that manner, as it was necessary to determine the approximate number of casualties in both sections of the route. That is extremely important for determining the number of ARBiH members who were captured and then shot. Splitting the route into two sections is significant for estimating the number of captured persons, since mass captures took place in the first section of the route between Šušnjari and Jaglići and the Nova Kasaba – Konjević Polje road. Next, it was necessary to investigate the precise locations where column participants surrendered. The investigation identified two dominant locations. The first location is the village

421 Nezuk – ARBiH-controlled town.

422 Or there is evidence that they died prior to 11 July 1995.

423 The ICMP list contains 351 persons who went missing in July 1995, but without a precisely determined date they were last seen alive in July. In addition, the list contains the names of three persons whose date of disappearance is unknown. This totals 351 persons, which, added to the 6,674 persons from the list, yields a final figure of 7,025.

424 This segment is described in detail in Section 3. Fights/Casualties.

of Sandići, about 25 km from Srebrenica. The second location is the area of Nova Kasaba, around 40 km from Srebrenica. In order to determine the number of column participants who were captured and shot, it was first necessary to determine the approximate number of casualties in the second section of the route.

Based on casualty estimates from the statements of breakthrough survivors and ARBiH reports, it can be posited with great likelihood that between 3,000 and 4,000 persons were killed in combat, mutual clashes and suicides in the first section of the route, between the starting point of the breakthrough, i.e. the villages of Šušnjari and Jaglići, and the Nova Kasaba – Konjević Polje road. The highest numbers of casualties occurred in the areas of Bokčin Potok, Kameničko Brdo, and the surroundings of Nova Kasaba.

Based on the analysis of eyewitness statements, it can be posited that around 1,000 persons died in combat and by suicide in the second section of the route. There were an estimated 4,000 to 5,000 casualties in the entire length of the route, who died in combat, mutual clashes, and suicides.

In addition, able-bodied men who opted not to join the column and instead sought UN protection in Potočari must be considered in estimating the number of those killed and shot. According to a UN General Assembly report, 239 persons identified themselves to the members of the Serb forces, while 60 declined to do so.[425] Therefore, the total figure is 299 able-bodied persons.[426]

These persons were transported to the Vuk Karadžić Elementary School in Bratunac in the afternoon on 13 July 1995, and a majority of them were executed in mass shootings which followed in the days to come. As previously stated, we have determined that one of those persons was transferred to the camp in Batković and later exchanged.[427]

Having determined an approximate figure of casualties in the critical period, and on the other hand, estimated the casualties in combat and different circumstances, it is now possible to proceed with the estimation of the number of captured persons. Based on an analysis of the available data, we estimate the number of captured persons to be between a minimum of 1,500-2,000 and a maximum of 2,500-3,000. To determine the number of persons executed in mass shootings, we began with the assumption that the total number of captured persons

425 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assemby resolution 53/35*, p. 74

426 Brigadier General O. van der Wind, *Report Based on the Debriefing on Srebrenica*, (Assen, October 4, 1995), http://www.slobodan-milosevic.org/documents/debrief.pdf. The following is a quote from the Debriefing on Srebrenica between 6 and 21 July 1995, prepared for use by the Dutch Parliament. The Minister of Defense assigned this task to the Dutch Royal Army commander, who then delegated it to Brigadier General O. van der Wind (O. van der Wind, *Report Based on the Debriefing on Srebrenica*, p. 4):

> It also transpired that the BiH soldiers were not always recognizable as military personnel. Men who had previously been seen in uniform fighting in the southern section of the enclave were recognized by Dutchbat personnel when the former had mingled, in civilian clothing, among the refugees moving from Srebrenica to Potočari or when they were on the compound in Potočari. Local women, known to be members of the BiH, were also seen later in civilian clothing. (pp. 45-45).

427 Statement of Ibran Mustafić, p. 5.

is the maximum number of persons executed by shooting. In addition, we must consider the fact that a certain number of prisoners were not executed, but later exchanged

The first part of this chapter will detail the events regarding prisoners of war, participants in the breakthrough. The location of the village of Sandići will be examined first, and Nova Kasaba second. The second part of the chapter covers the mass executions of prisoners of war. The third part of the chapter details the surrender of remnant groups from the column to the Serb forces and their detainment at Camp Batković. In addition, executions of smaller groups of prisoners in the days following the breakthrough were also looked at.

5.1. Prisoners of War

5.1.1. Sandići

There is a limited amount of data from which to estimate the number of ARBiH members who were captured in Sandići. It mostly consists of aerial footage of the area taken on 13 July 1995 at 1400 hours by a US Air Force U2 reconnaissance aircraft. In the available documentation from the breakthrough survivors, we found only two statements containing data where the witnesses estimated the number of column participants from the ARBiH 28th Division who had been captured in Sandići. In the morning of 13 July 1995 in the Sandići area, groups of column participants started to surrender to the Serb forces located along the asphalt road in Sandići. The surrendering ARBiH members were coming down a nearby hill from the direction of Bokčin Potok, which had been the site of an intense mutual clash among the ARBiH 28th Division ranks the night before[428]. The aforementioned aerial footage was presented to the UN Security Council on 10 August 1995 by Madeleine Albright, the United States ambassador to the UN.

The footage was analyzed by intelligence expert Cees Wiebes in a study entitled *Intelligence and The War in Bosnia, 1992-1995: The Role of the Intelligence and Security Services*, which is part of the Dutch government's report on Srebrenica, published by the Netherlands Institute for War Documentation (NIOD).[429] The report stated the following:

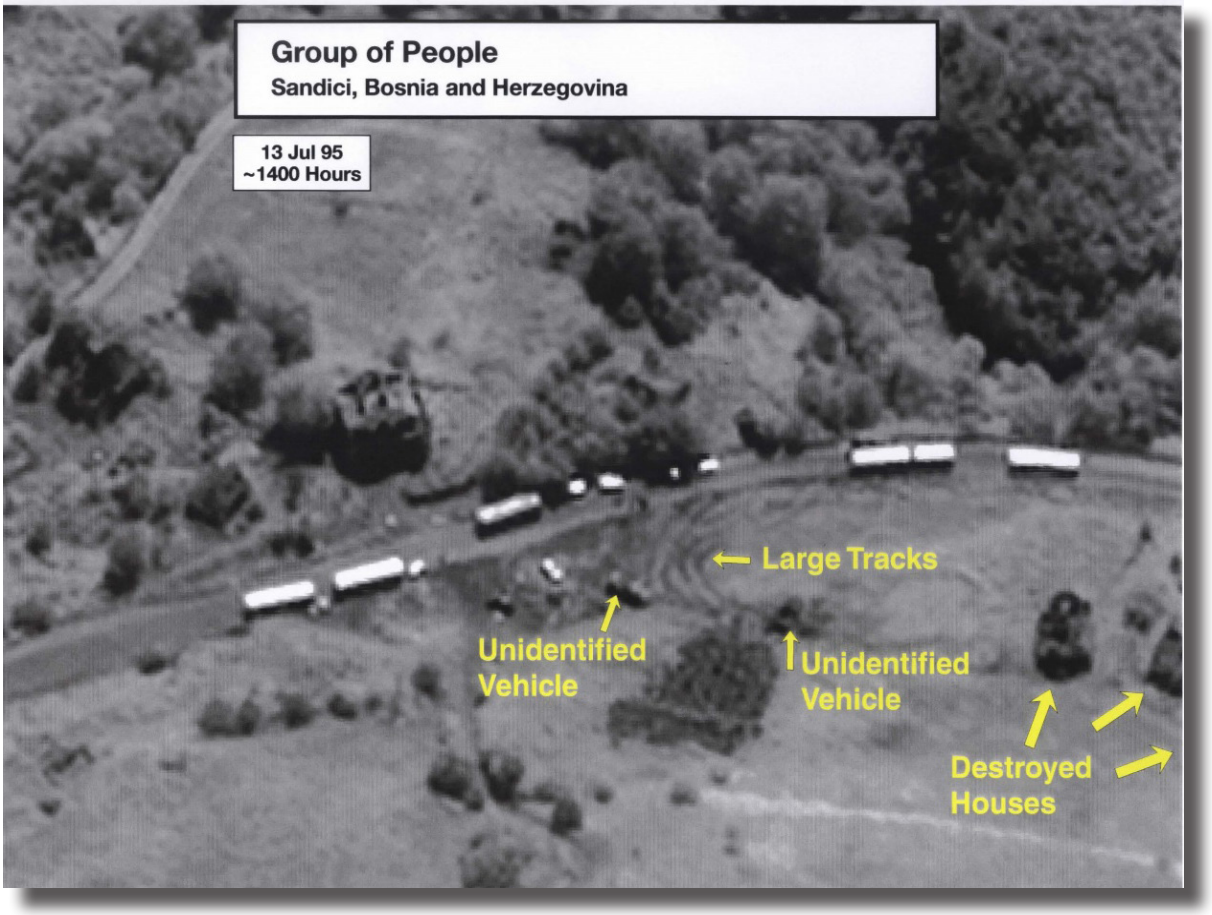
> Two groups of possible prisoners were discernible in the enlargement of the satellite photo of Sandici taken at 14.00 hours on 13 July: one group of 80 and one of 320. Five large buses were parked at the entrance.[430]

428 See Section 3. Fights/Casualties.

429 Cees Wiebes, "Intelligence and the war in Bosnia 1992-1995: The role of the intelligence and security services", in *Srebrenica: Reconstruction, Background, Consequences and Analyses of the Fall of a 'Safe' Area*, Appendix II, 2608-2779, (Amsterdam: NIOD, 2002), http://publications.niod.knaw.nl/publications/srebrenicareportniod_en.pdf.

430 Wiebes, "Intelligence and the War in Bosnia 1992-1995," p. 2912.

In the afternoon on 13 July 1995, the prisoners who were located in the meadow by the local road were organized into groups and marched on foot to a warehouse in the village of Kravica, around 1.5 km from Sandići. The prisoners were also taken to Kravica by bus. A certain number of prisoners were taken to Bratunac. According to Wiebes' study, satellite footage showed five buses near the location where the prisoners of war were held. Situational beatings and executions of the prisoners of war occurred in the meantime.[431]



Source: National Security Archive, accessed July 20, 2020, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB519-Srebrenica-conference-documents-detail-path-to-genocide-from-1993-to-1995/.

Two of the participants in the breakthrough testified on the events of 13 July 1995 in the region of Sandići and gave their own estimates of the number of column participants that surrendered to the Serb forces. The following are excerpts from their statements.

431 *Prosecutor v. Popovic et al.*, Case No. ICTY IT-05-88-T, Judgment (hereinafter: *Prosecutor v. Popović et al*, Judgment), June 10, 2010, p. 152, accessed September 20, 2020, https://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf.

Dana Ristanović,[432] born to father Božidar and mother Nada Filipović on 27 October 1963 in Ljubovija, Ljubovija Municipality, Republic of Serbia. She gave a statement to the RBiH State Security Services, Tuzla Secton, on 14 September 1995, detailing the events in Sandići:

> After the ambush, what was left of the column kept walking toward Sandići. Somewhere from the hill, they could see aggressor soldiers who were leading a **column of imprisoned members of the Army of the RBiH. There were around 1,000 members who were imprisoned in the aforementioned ambush**.[433]

Kemal Mujić[434] member of the ARBiH 28th Division 280th Brigade, stated the following in a statement to the ARBiH 2nd Corps Command military security bodies:

> As I was running away, I saw people who were going to surrender. They were gathering in a **meadow under the slope with all the bodies. Surrounding them were Chetniks, rifles at the ready. By my estimation, there were around 1,000 of our men,** but I could not tell you the number of Chetniks. While running away towards the brook, I found Dževad Tepić and decided to take the roundabout way with him to cross over the asphalt.[435]

5.1.2. Nova Kasaba

Witness statements from column participants were used to estimate the number of ARBiH 28th Division members captured in the locality of Nova Kasaba. The next source is aerial footage of the capture at the football field in Nova Kasaba, taken by a US Air Force U2 reconnaissance aircraft. Witness statements were also used from witnesses who had seen the number and location of the buses which were used to transport prisoners of war from Nova Kasaba to Bratunac.

The witness statements from participants in the column will be interpreted first, followed by the remaining sources. According to witness statements, the number of prisoners of war in Nova Kasaba was between 400 and 2,000.

Bego Muminović,[436] Commander of the 1st Platoon of the Mujahideen company operating within the ARBiH 28th Division 283rd Brigade, son of Ćamil, born on 20 June 1954 in Kamenica. Eyewitness Bego Muminović gave the statement to an RBiH State Security Service, Tuzla Sector operative on 22 July 1995. Among other things, the witness detailed the events in the area of Nova Kasaba and the number of prisoners of war based on the observations of his fellow fighters who watched the events in the football field:

432 Statement of Dana Ristanović.
433 Statement of Dana Ristanović, p. 6.
434 Statement of Kemal Mujić.
435 Statement of Kemal Mujić, p. 2.
436 Statement of Bego Muminović.

> I don't know exactly what had happened during the night, but early in the morning we heard from fighters and civilians who were catching up with us that the aggressor soldiers had made incursions among our people during the night, catching them and taking them away, and that they had also killed some of them on the spot. According to my assessment, over 1,000 persons from the column perished that night, and upon arrival to the free territory, I heard from the soldiers who were among the last to **get out that they saw around 400 of our prisoners at the stadium in Kasaba;** I don't know what happened to them either.[437]

Hakija Husejinović,[438] born to father Alija and mother Hasnija, née Begić, born 17 February 1944 in Bućinovići-Sućeska, Srebrenica Municipality, ARBiH member, gave a statement to the RBiH State Security Service, Tuzla Sector on 27 October 1995. The column participant and witness to the capture of ARBiH 28th Division members said the following in his statement:

> While nearing Lolići village, we crossed a little river, [walking] through the water, and as we were walking out from the water and onto the asphalt road, two armed Chetniks searched us, requesting that we put down all our baggage and hand over the money [to them]. After that we crossed the road and we were ordered to sit on some meadow, while holding out hands above our heads. There were several houses near the meadow. 2 tanks were placed on the two sides of the meadow, and one of the tank men was taking his rage out on us by pointing the barrel of a PAM[439] towards us. **According to my assessment, there were around 2,000 people gathered there**, and from Bućinovići I knew Salko Gabeljić (son of Meho), Abdulah Gabeljić (son of Meho), Nezir Gabeljić (son of Ihro), Alija Gabeljić (son of Nezir), Šaban Gabeljić (son of Ćamil), Asim Gabeljić (son of Alija), Zulfo Salihović (son of Jusuf), Alija Husejnović (son of Ibrahim), Osman Huseinović (son of Ibrahim), Juso Muminović (son of Hasan), and from Staroglavice in Srebrenica municipality [I knew] Ragib Mehmedović (son of Rasim), Mensur Omerović (son of Meho) from Opeci village, as well as Hasan Omerović. From Žedanjsko village in Srebrenica municipality there was Junuz Mekanić (son of Mustafa), and from Bešići village in Vlasenica municipality there was Junuz Mekanić, from Bajramovići in Srebrenica municipality there was Tufik Đozić, and from Vlasenica ther was Salko Redžić.[440]
>
> Around 5 o'clock in the afternoon, Chetnik General Ratko Mladić arrived to the meadow. I saw him when he exited a nearby house, but I do not know when or how he had gotten there. Another 5 or 6 persons in uniforms were walking with him. He spoke to us by saying, "Are you better off doing that or getting killed? Naser abandoned you and fled.
>
> It's not easy to war against the Serbs. A sheep can't get out unless someone opens the door for it. No one will beat you or provoke you.[441]

437 Statement of Bego Muminović, p. 4.
438 Statement of Hakija Husejnović, p. 1.
439 Anti-aircraft machine gun.
440 Statement of Hakija Husejnović, p. 2.
441 Statement of Hakija Husejnović, p. 2.

> You will be accommodated and we will give you food. Your families have recently been evacuated. It is most likely that you too will be exchanged within a day or two.[442]

Column participant **Osman Halilović** gave a statement to ICTY investigators on 14, 15 and 16 August 1995 including an estimate of the number of prisoners at the football field in Nova Kasaba:

> **Other people were already there. In my assessment, there were a total of around 2,000 people gathered on the football field**. Many of those people I recognised from Srebrenica. Armed Serb soldiers ordered us to leave our bags with food and clothes in front of the football field, near the trucks and the asphalt road.[443]

Svetozar Marinković, physician at the Milići War Hospital who was present on the scene in the areas of Đugum and Nova Kasaba on 13 July to provide medical assistance to the wounded column participants that had surrendered to the Serb forces. Svetozar Marinković gave a witness statement to representatives of the Ministry of Interior of Republic of Srpska (MUP RS) members on 13 April 2004 regarding the circumstances of the events around Srebrenica between 10 and 19 July 1995. Eyewitness Svetozar Marinković detailed those events and the nature of the injuries suffered by column participants:

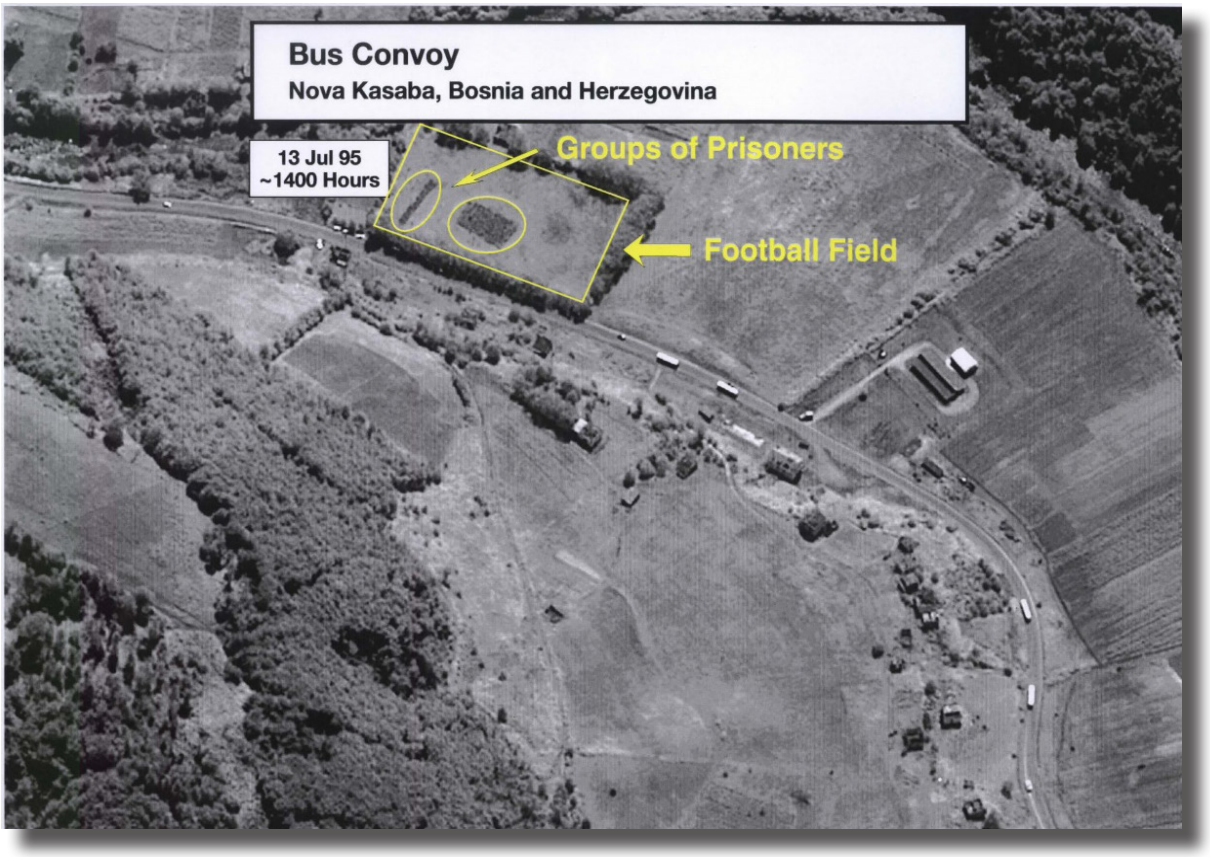
> While I was at the playground, I noticed around 10 members of the VRS deployed around the playground. The Muslims were sitting on the playground and their number started increasing as they were coming out of the woods. As far as I could notice, those were mostly younger men aged 20 – 50. Some persons were wearing camouflage uniforms and some wore white belts. I continued providing medical help with my team on the playground as well. Since it was a sunny day, members of the VRS were bringing water in bottles and baskets and distributing it to the newcomers. I saw that a member of the VRS made records of people coming to the playground. I do not know that person nor do I know which unit he belonged to. **I believe that around 1,000 persons gathered on the playground until 3 PM that day**.[444]

Same as in the case of Sandići, aerial footage taken at 1400 hours on 13 July 1995 by the US Air Force U2 reconnaissance aircraft was used to estimate the number of ARBiH 28th Division members captured in Nova Kasaba. In his study, Wiebes alleged the following:

> One interpretation of Albright's satellite photos was as follows: **two groups of 'possible' prisoners were discernible on a football pitch[445] near Nova Kasaba, 19 ki-**

442 Statement of Hakija Husejnović, p. 2.
443 Statement of Osman Halilović, p.2.
444 Statement of Svetozar Marinković.
445 The dimensions of a football pitch are 102x61 m.

lometres west of Bratunac and Srebrenica and five kilometres south of Konjevic Polje: one of approximately 100 persons and one of approximately 500 persons. Both groups were seated on the ground and surrounded by twenty or so sentry posts. There were five vehicles at the entrance to the football pitch. On the photos Schouren saw a football pitch with guards, space for loading people onto transport, people (some of whom were kneeling), two bulldozers and two T-55 tanks with a bulldozer blade, a hole in the ground, buses and trucks.[446]



Source: National Security Archive, accessed July 20, 2020, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB519-Srebrenica-conference-documents-detail-path-to-genocide-from-1993-to-1995/.

Sources testifying on the number of buses used to transport prisoners of war to Bratunac were used to estimate the total number of captured soldiers. The prisoners were transported in the evening of 13 July 1995. According to eyewitness statements, the vehicles were parked on the left side, in a single-file line, on two streets in the immediate vicinity of the Vuk Karadžić Elementary School in Bratunac. Physical measurements were taken of that area and it was determined to be 280 meters in length. Based on the length of that route, it is possible to estimate the maximum number of vehicles, more precisely, buses and trucks, which were used to bring the prisoners. The buses and trucks were not uniform in size. An estimated maximum number of vehicles that could physically fit in that space is 30, considering that the average length of a standard bus is 11 to 14 meters. The length of an articulated bus is around 18 meters, while the length of smaller trucks does not exceed the length of a standard bus.

446 Wiebes, "Intelligence and the war in Bosnia 1992-1995," p. 2912.

The following is an excerpt from the statement of Lieutenant Colonel **Vujadin Popović**[447] to the International Criminal Tribunal for the former Yugoslavia (ICTY) on 2 November 2013:

> **44.** from the ZB (Zvornik Brigade) Command returned to Bratunac to the BB (Bratunac Brigade) Command. Momir Nikolić,[448] who had been ordered by Beara to help me form a column to transport the prisoners. Per Beara's[449] instructions, we could not allow the prisoners to stand in buses, we had to have them keep their heads low, and keep the first two rows of seats empty. Each of the buses had to be escorted by two armed police officers or soldiers.
>
> **45.** With the assistance of Momir Nikolić. I organized the column of buses and trucks. He went to the football field, where 10-15 prisoner buses were already parked.
>
> **46**. The column, once formed, had 30 buses, three cargo trucks (with capacity to hold 70 men), and one articulated bus.[450]

In addition, the following are excerpts from the statement of **Zlatan Čelanović**[451] to the representatives of the MUP RS on 28 August 2003:

> At some point in the afternoon, buses and cargo trucks started arriving into town, filled with people. They were prisoners, that is, persons who had surrendered in Srebrenica – Muslims. In the evening, around 2100 hours, out of curiosity, I went to Haćam Midhat Street in Bratunac, which leads to the elementary school on Gavrilo Princip Street, and I noticed that it was packed with trucks and buses, around 20 vehicles in my estimation, and the vehicles were filled with people – men, so I found it odd that there weren't any women and children. I asked some of the bus drivers why that was, and I was given the explanation that the women and children were taken to Kladanj due to the high heat, and the adult men will also be taken to Kladanj the next day, after transportation is reorganized and the vehicles that transported the women and children return. I thought that this was an acceptable explanation, so I returned to my office.

Based on the assessment of the number and type of vehicles (maximum 30, minimum 15-20 vehicles), it can be estimated that the average number of persons per vehicle was 50 to 70, maximum 100. The minimum number of persons per vehicle is 35-40. Per that estimate, the number of prisoners of war transported in the vehicles is between the low estimate of

447 Statement of Vujadin Popović given to the ICTY [translated from BSH for the Commision], ICTY Y0385564, November 2, 2013, Archives of the RCIRZ.

448 Captain Momir Nikolić, Bratunac Brigade Chief for Security and Intelligence

449 Colonel Ljubiša Beara, Main Staff Chief for Security. Convicted by the ICTY on 30 January 2015 of genocide, crimes against humanity and breaking the laws and mores of war, and sentenced to life imprisonment, accessed September 27, 2020, https://www.icty.org/x/cases/popovic/cis/en/cis_popovic_al_en.pdf.

450 Statement of Vujadin Popović, p. 7.

451 Statement of Zlatan Čelanović [translated from BSH for the Commision], Ministry of the Interior, Bijeljina Public Security Center, Bratunac Police Station, No. 12-1-7/02-230-498/03, August 28, 2003, Archives of the RCIRZ.

1,500-2,000 persons and the high estimate, but in no way exceeds the estimated maximum number of those killed in mass shootings – which is 2,500 to 3,000 persons.

5.2. Situational killings during prisoner of war surrenders

Per trial judgment in *Prosecutor v. Popović et al* situational killings occurred during prisoner of war surrenders, which will be further discussed in the continuation of this section.[452]

On 13 July 1995, Serb forces killed nine men, Bosnian Muslims,[453] in the immediate vicinity of the UN base in Potočari, more specifically in a field near the creek by the stream 500 meters away from the UN base. The same day, Serb forces also executioned a Muslim man from Srebrenica. The execution took place near the "white house", in full view of other people gathered at the scene.[454]

Following the capture of ARBiH 28th Division members on 13 July 1995 in the village of Sandići and then on the Nova Kasaba – Konjević Polje road after that (who were taken to the football field in Nova Kasaba following their surrender), the prisoners were transported to Kravica and Bratunac in the evening. During the capture, individual members of the Serb forces carried out situational killings of the prisoners of war. On that day, 13 July 1995, Serb forces captured sixteen men from the column, took them to the bank of the Jadar river and shot fifteen of them to death.[455]

Situational killings also occurred in the village of Luka on 13 July 1995. The village of Luka is about 5 kilometers southwest of Tišća, and about 35 kilometers northwest of Potočari. This village is located on the civilian evacuation route from Potočari to Kladanj, an ARBiH-controlled territory. On 13 July 1995, about 22 men, Muslims, were taken to a field in Račića Gaj and killed with firearms.[456]

Further executions occurred in the meadow in Sandići on 13 July 1995. The prisoners who were held at the meadow until the late afternoon or early evening were taken to the warehouse in Kravica. The remaining 10-15 prisoners at the meadow were killed by the Serb forces.[457]

In the night between 13 and 14 July 1995, prisoners from the football field in Nova Kasaba were brought near the supermarket in Kravica. The members of the Serb forces guarding the trucks called for residents of certain villages near Srebrenica to identify themselves. The

452 Despite the fact that research showed that the ICTY did not conduct a criminal investigation in the manner prescribed by the profession, and it is therefore extremely difficult, given the time passed, to fully verify the accuracy of the information provided in further block quotes, the same shall be included with an appropriate dose of skepticism.
453 *Prosecutor v. Popović et al*, Judgment, p. 139.
454 *Prosecutor v. Popović et al*, Judgment, p. 141.
455 *Prosecutor v. Popović et al*, Judgment, p. 163.
456 *Prosecutor v. Popović et al*, Judgment, pp. 138-139.
457 *Prosecutor v. Popović et al*, Judgment, p. 169.

prisoners were beaten with rifle butts, and five of them were removed from the truck during that night and never returned. Screams and firearm rounds were heard near the truck.[458]

The prisoners were taken to Bratunac, where they were held in the Vuk Karadžić Elementary School gym and in the buses parked behind the school. the prisoners were physically abused, and some of them were killed.[459]

Prisoners transported from Bratunac to the Grbavac Elementary School, Orahovac and the Petkovci Elementary School were also victims of situational killings.

5.3. Mass Executions of Prisoners of War

Mass executions of prisoners of war were carried out at several locations. The mass executions in the Bratunac Municipality took place on 13 July 1995 in the early evening, in the village of Kravica after a provoked incident where a group of prisoners housed in the Agricultural Cooperative building stole a rifle from a guard and shot him dead with it, and wounded another. After the incident, the remaining guards opened fire from their weapons on several hundred prisoners of war, only a few of whom managed to survive by fleeing the premises. It is evident that situational killings of captured individuals and/or groups also took place in that area on 13 or 14 July 1995, since several of the remains found at the Cerska primary grave site had ligature marks. At the same time, there are recorded statements of military column participants who later said that they had seen a large number of bodies of their fellow fighters at the locality where that grave site was exhumed.

According to an eyewitness, the prisoners from Bratunac were transported the following day, 14 July 1995, and taken north towards Batković – as expected.[460] However, the convoy was stopped and offloaded prisoners of war at five locations along the way (Orahovac, the school in Grbavac, the Petkovci dam, the gravel pit near Kozluk, Pilica, and the Branjevo Military Farm), all located along the Zvornik – Bijeljina regional road. From those locations, the prisoners were taken to the places where they were later executed in mass shootings. All mass shooting locations and mass graves are located immediately near the local roads. We were unable to estimate the number of executed persons per location. For that type of analysis, see the results of the investigation carried out by the forensic-anthropological team, which should provide the answers to that question. We will now look over the events at the aforementioned locations.

458 *Prosecutor v. Popović et al*, Judgment, pp. 178-179.
459 *Prosecutor v. Popović et al*, Judgment, pp. 180-183.
460 Statement of Bojan Subotić, p. 5; Statement of Čelanović Zlatan, p. 4.

5.3.1. Kravica

In the village of Sandići, the captured ARBiH 28th Division members were ordered to line up in a column and start walking in the direction of Kravica. Escorted by a small group of Serb police officers, they arrived at an agricultural property warehouse in Kravica on 13 July 1995 between 1500 and 1700 hours. A certain number of prisoners were taken to Kravica by buses. As the prisoners were being marched into the warehouse, an incident occurred where one of the prisoners grabbed a hold of a Serb guard's rifle and killed him with it. The deceased was Krsto Dragičević, 3rd Platoon, Skelani Platoon, 2nd SPB Detachment from Šekovići. The second guard, whose surname was Čuturić, took the rifle away from the prisoner and suffered burns to his hands in the process, so he headed to the Bratunac Community Health Center to receive medical assistance.[461] The incident elicited a reaction from the Serb guards in the warehouse in order to prevent a mutiny and a mass prisoner escape. In addition, they feared for their own lives, seeing as there was a maximum of 12 Serb guards in the warehouse at that time. What happened was that the guards began shooting at prisoners from automatic weapons, including hand grenades, and any other available weapons. The shooting continued until the evening. Excavators were brought to the warehouse in Kravica on 14 and 15 July to load the dead bodies.[462] The bodies of the deceased were buried at primary grave sites designated Glogova 01 (GL01 A-J) – Glogova 02 (GL02-09), Ravnice 01-02. The remains of the deceased were also discovered at secondary grave sites designated Blječeva 01–03, Budak 01–02, Zeleni Jadar 01A, Zeleni Jadar 01B, Zeleni Jadar 02–06, Zalazje 01–02.

The following is an excerpt from eyewitness statement of a survivor of the Kravica shooting. The eyewitness is ARBiH 28th Division member **Hakija Husejnović,**[463] born to father Alija and mother Hasnija, née Begić, on 17 February 1944 in Bućinovići-Sućeska, Srebrenica Municipality:

> We arrived to Kravica right before the evening and we were taken into one building that I was told used to be an agricultural warehouse. The building was big, its facade yellowish, with the porter's lodge on the left side of the warehouse entrance. Its inside was completely empty. Upon entering it, we had to sit on the concrete floor.
>
> After we all entered it and sat on the ground, one of the Chetniks kicked the last man entering, knocking him on the ground, and then he started shooting at him and us. At that moment, grenades started coming through the warehouse windows, and also other Chetniks appeared who opened fire from zoljas[464] and osas[465]. I saw Salko Redžić from Vlasenica get shot next to me, and the dead and wounded were everywhere around me. I got up and headed towards the porter's lodge, stepping on the dead and wounded. There was a firestorm of bullets and shrapnel all over the place. I managed to enter the porter's lounge in which I found 20 to 30 persons, and at that point that

461 *Prosecutor v. Popović et al*, Judgment, p. 173.
462 *Prosecutor v. Popović et al*, Judgemnt, p. 175.
463 Statement of Hakija Husejnović.
464 Zolja - rocket-propelled grenade launcher
465 Osa - hand-held rocket launcher

was the only place where there was no shooting. The entire warehouse was full of gunpowder smoke, and horrible screams could be heard. I think that the massacre lasted for about an hour. After some time, they transferred the fire, aiming at the porter's lounge as well. I lied down in a corner and the dead were collapsing on top of me and next to me. The shooting stopped only when it got dark. The only thing that was heard was the wounded crying for help. I spent the entire night there not moving, covered by dead bodies, and none of the Chetniks entered. A large number of the wounded were calling out, asking for help. In the morning, the Chetniks came to the door and called all healthy [men] to come out and join their army. From what I heard, I concluded that someone had walked out, and then I heard a sound of a vehicle and I think that those persons were driven somewhere. Then the Chetnks asked all the wounded to come out to the meadow next to the warehouse. I heard some of the wounded going out, and not long after that bursts of fire were heard from outside. During all that time, none of the Chetniks entered the warehouse. On 14 July 1995, perhaps somewhere around noon, the Chetniks brought a loader and trucks [there] and they started loading the dead. The loader tore down the warehouse wall from the direction of the asphalt road so it could enter the warehouse and load the dead.[466]

5.3.2. Orahovac/Grbavci Elementary School

According to the trial judgment in *Prosecutor v. Popović et al* a certain number of prisoners from Bratunac, escorted by the civilian police, were taken by bus to the village of Orahovac in the Zvornik Municipality, about 10 kilometers northwest of Zvornik. The Grbavci Elementary School is located on the main road in the center of Orahovac. The prisoners were held in the school gym. Around noon on 14 July 1995, members of the Zvornik Brigade Engineer Company began digging a large pit in the meadow not far from the Grbavci school. In the meantime, ten members of the Zvornik Brigade 4th Battalion arrived at the school gym at some point in the afternoon on 14 July 1995. Those soldiers started firing their weapons into the walls and ceilings of the gym. There were sporadic executions, i.e. certain prisoners were removed from the gym and executed. In the meantime, the process of transporting the prisoners to the execution site began. Each individual prisoner was blindfolded and had his hands tied. The members of the Zvornik Brigade took the prisoners to the execution site in TAM cargo trucks. As the prisoners arrived to the meadow with the trucks, they were ordered to disembark, lined up and fired at from automatic rifles.[467] The deceased were buried in two primary mass graves, designated Lažete 01 and Lažete 02 (LZ2A, LZ2B and LZ2C). The remains from these two locations were also discovered at the secondary grave site designated Hodžići Put 01-06.[468]

466 Statement of Hakija Husejnović, pp. 2-3.

467 *Prosecutor v. Popović et al*, Judgment, pp. 189-195.

468 For more details on the forensic findings regarding the aforementioned mass graves, see Chapter 6: Srebrenica: Forensic Archeology, Anthropology and Pathology.

5.3.3. The school in Petkovci and the Petkovci dam

According to the trial judgment in *Prosecutor v. Popović et al*, in the afternoon on 14 July 1995, a group of prisoners captured in Bratunac were taken to the Petkovci Elementary School, escorted by members of the Drina Corps Zvornik Brigade. The small village of Petkovci is located 6-7 kilometers to the west of the Konjević Polje – Zvornik – Bijeljina main road in the Zvornik Municipality. Individual prisoners were physically abused following their arrival at the school. Some prisoners were removed from the classrooms and executed.

Early in the morning on 15 July 1995, the prisoners were marched out of the classrooms and relieved of their footwear, clothing and documents. They were then tied with their hands behind their backs and loaded into trucks parked in front of the school. The prisoners were taken to a meadow near the Petkovci dam in trucks belonging to the Zvornik Brigade.[469] When one of the prisoner groups arrived at the meadow next to the Petkovci dam, there were floodlights set up, and many dead bodies lying on the ground, with their hands tied on their back. The prisoners were ordered to line up and then shot in their back and head, from a distance of 7 to 10 meters, by the members of the Serb forces. Early in the morning on 15 July 1995, an ULT excavator and a backhoe belonging to the Zvornik Brigade Engineer Company were being used near the Petkovci dam. The backhoe was picking up the bodies and loading them into a large tractor.[470]

The bodies of the prisoners executed near the "Crveni Mulj" dam near Petkovci were buried at the primary gravesite designated as "Dam" ("Brana"). The remains of the executed prisoners were also discovered at secondary gravesites designated as Liplje 01-04, Liplje 07.[471]

5.3.4. Roćevići Elementary School and Kozluk

The village of Kozluk, Zvornik Muncipality, is located on the left bank of the Drina on the Zvornik – Bijeljina road, around 15 kilometers away from Zvornik and 40 kilometers away from Bijeljina. The school in Roćevići is around 7 kilometers north of Kozluk. According to the judgment in *Prosecutor v. Popović et al*, the prisoners from Bratunac were taken to the school in the village of Roćevići in the evening on 14 July 1995, where they were guarded by the members of the VRS. Some prisoners were executed in front of the school. On 15 July 1995, VRS members loaded the prisoners into cargo trucks and took them to the gravel pit in Kozluk. A group of Serb forces members, at least one of whom was a member of the Drina Corps Zvornik Brigade Military Police, executed the prisoners with firearms. On 16 July 1995, the members of the Zvornik Brigade Engineer Company buried the bodies in a primary mass grave designated as Kozluk 01–03 (KK01, KK02 and KK03). The remains

469 The Crveni Mulj Dam, better known as "the Petkovci Dam", is only three to four kilometers away from Petkovci.

470 *Prosecutor v. Popović et al*, Judgment, pp. 196-199.

471 For more details on the forensic findings regarding the aforementioned mass graves, see Chapter 6. Srebrenica: Forensic Archeology, Anthropology and Pathology.

of the executed prisoners were also discovered in secondary graves designated as Čančarski Put 01, 02, 03, 07 and 13.[472]

5.3.5. Pilica and the Branjevo Military Farm

Pilica is a small village in the Zvornik Municipality located on the Konjević Polje – Zvornik – Bijeljina road. Pilica is 75 kilometers away from Bratunac, 30 kilometers away from Zvornik, and 27 kilometers away from Bijeljina. The Pilica Culture Center is located in the center of Pilica on that road. Getting to the school in Kula in Pilica requires getting off of the Konjević Polje – Zvornik Bijeljina road for about a kilometer south from Pilica and traveling on that road for 2-3 kilometers next to small parcels of arable land until reaching a two-storey building which is the school in Kula.

The Branjevo Military Farm is about 2-3 kilometers away from Pilica on the road off the Konjević Polje – Zvornik – Bijeljina main road. According to the trial judgment in *Prosecutor v. Popović et al* in the morning on 14 July 1995, the Zvornik Brigade 1st Battalion received orders from the Zvornik Brigade Command to prepare the school in Kula to hold 100 to 200 prisoners. Groups of prisoners started arriving to the school in Kula in buses and trucks in the afternoon on 14 July 1995. They were put into the school gym and classrooms, and some remained in buses in front of the school. Individual prisoners were executed in the school in Kula during the night between 14 and 15 July 1995. Ten prisoners were executed in that occasion. On 16 July 1995, the prisoners were taken by bus from the school in Kula to the Branjevo Military Farm. Between 1000 and 1500 or 1600 hours, members of the 10th Diversionary Detachment executed the prisoners. In the early afternoon, eight to ten VRS soldiers arrived from Bratunac to join the executions.

A few days before 16 July 1995, VRS soldiers took prisoners to the Pilica Culture Center and then executed them (on 16 July 1995). Members of the 10th Diversionary Detachment refused to participate in those executions. VRS soldiers from Bratunac who were also present at the Branjevo Military Farm that day had volunteered and arrived with a "Lieutenant Colonel" and two Military Police members to perpetrate that crime. The remains of prisoners executed at the Branjevo Military Farm and the Pilica Culture Center were buried in a mass grave at the Branjevo Military Farm (PLC). The remains of the executed prisoners were also found in secondary sites designated as Čančarski Put 04, 08, 09, 11 and 12.[473]

472 *Prosecutor v. Popović et al*, Judgment, pp. 201-209. For more information on the forensic findings regarding the aforementioned mass graves, see Chapter 6. Srebrenica: Forensic Archeology, Anthropology and Pathology.

473 *Prosecutor v. Popović et al*, Judgment, pp. 210-218. For more information on the forensic findings regarding the aforementioned mass graves, see Chapter 6. Srebrenica: Forensic Archeology, Anthropology and Pathology.

5.4. Prisoners of War After the Breakthrough and Situational Killings of Prisoners of War

5.4.1. Situational killings of prisoners of war following the breakthrough

According to trial judgment in *Prosecutor v. Popović et al* situational killings of prisoners of war took place after the breakthrough, which will be discussed further in this chapter.

The members of the Serb forces executed four prisoners of war who had survived the mass shooting at the Branjevo Military Farm. Five prisoners of war survived the shooting: Ahmo Hasić, Almir Halilović, Sakib Kivirić, Emin Mustafić and Fuad Đozić. Ahmo Hasić got separated from the other four in the evening on 16 July 1995. After several days of wandering, more specifically, on 23 July 1995, Almir Halilović, Sakib Kivirić, Emin Mustafić and Fuad Đozić were captured by the Serb forces and taken for interrogation to the VRS Zvornik Brigade barracks, located at the premises of the "Standard" company in Zvornik. The four prisoners were executed at some point after 23 July 1995 at an unknown location.[474]

Roughly around 20 July 1995, the members of the Serb forces in the Snagovo area captured a group of five Bosnian Muslims. One of the members of the Serb forces shot four of the prisoners in the head. Another member took the fifth prisoner off to the side and, believing him to be underage, shielded his eyes to keep him from having to see the executions.[475]

The "Scorpions" combat unit was deployed at the Trnovo/Treskavica front line, around 150 kilometers from Zvornik, in the Sarajevo-Romanija Corps zone of responsibility. Following the fall of Srebrenica in July 1995, the "Scorpions" brought six Bosnian Muslims from Srebrenica to an isolated location near two abandoned buildings in Godinjske Bare near Trnovo. The "Scorpion" members executed four of the men, one by one, from automatic rifles, and then untied the hands of the two men lying on the ground and forced them to carry the bodies. The remains of Safet Fejzić, Azmir Alispahić, Smajil Ibrahimović, Sidik Salkić, Juso Delić and Dino Salihović[476] were later discovered in the abandoned buildings in and around Godinjske Bare.

VRS members captured a group of six Bosnian Muslims near Baljkovica on 18 July 1995. Five of the prisoners were shot and killed, while the sixth prisoner was taken to the camp in Batković and later exchanged for captured VRS soldiers.[477]

During the breakthrough near Nova Kasaba on 13 July 1995, the VRS medical personnel rendered aid and transported 11 wounded to the Milići Hospital, and then to the Zvornik Hospital, in VRS-controlled territory. Ten of the wounded from the Zvornik Hospital were transported to the barracks in the "Standard" company. One of the prisoners succumbed to his wounds in the meantime. Ten prisoners of war were removed from the barracks and executed.[478]

474 *Prosecutor v. Popović et al*, Judgment, pp. 233-235.
475 *Prosecutor v. Popović et al,* Judgment, pp. 231-232.
476 *Prosecutor v. Popović et al,* Judgment,pp. 237-238.
477 *Prosecutor v. Popović et al,* Judgment, pp. 226-227.
478 *Prosecutor v. Popović et al,* Judgment, pp. 228-229.

5.4.2. Prisoners of war after the breakthrough

Following the ARBiH 28th Division's breakthrough through the VRS front line on 16 July 1995, most of the surviving fighters successfully crossed over to ARBiH-controlled territory over the next two days. However, individual smaller groups had been unable to break through with the rest of the soldiers and had remained on VRS-controlled territory. Apart from that, a certain number of 28th Division members crossed the Drina after the fall of Srebrenica and went to the Republic of Serbia. A number of those soldiers were forcibly returned to the Serb-controlled territory. Those persons, among others, were transferred as prisoners of war to Camp Batković, in the Bijeljina Municipality, while a number of prisoners were executed by the Serb forces. In addition, a number of able-bodied men who had sought UN protection at the base in Potočari was transferred to Camp Batković, while the rest were taken to Bratunac.[479]

On 26 July 1995, the International Committee of the Red Cross (ICRC), with unlimited access to the camp in Batković, made a record of all prisoners in the camp. A total of around 185 prisoners were registered as prisoners of war at Camp Batković in the second half of July 1995. The exchange of prisoners of war from Camp Batković began in July 1955, and ended by 24 December 1995, when the camp was shut down.[480] No executions or mistreatment of prisoners occurred while prisoners of war were being held at Camp Batković. Per eyewitness testimonies, the members of the VRS treated the prisoners with dignity. The following are excerpts from some of the eyewitness statements from Camp Batković prisoners.

Enver Avdić,[481] born to Sado and Hamida Halilović on 7 July 1977 in Gladovići, Srebrenica Municipality, permanent resident of the same, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 27 October 1995. Enver Avdić, soldier in the breakthrough, captured in Osmaci, Baljkovica region on 25 July 1995, stated the following on the topic of his capture:

> On 25th July 1995, they managed to cross over to Osmaci. When they arrived in Osmaci, Chetniks detected and encircled them; around 2 PM the same day all 13 of them were imprisoned. After the imprisonment, Chetniks searched them and if they found marks, watches or gold jewellery with some of the prisoners, they immediately took away those things during the search. While searching Sedo, they found his pistol and a gun licence and took them away, too. Enver does not remember how much money was taken from each of them; he does not remember who they took golden jewellery and a watch from since he could not watch because they were all ordered to lean their heads towards the ground and not look away. After the search, Chetniks tied all 13 of them with a rope. Enver told us that, while tying them up, Chetniks slapped and hit Dalija Halilović with their fists. Then, they escorted them to the Command in Osmaci. When

479 For example, Ibran Mustafić, who was transferred from Potočari to the Bratunac Elementary School, and then to Camp Batković near Bijeljina. For more details, see Statement of Ibran Mustafić given to the ICTY investigators on 18 February 2001 and 20 March 2001.

480 *Prosecutor v. Popović et al,* Judgment, p. 237.

481 Statement of Enver Avdić.

> they arrived in a building basement in Osmaci, they found 10 more prisoners from Srebrenica. He recognized persons named Ramo and Sejdo from Srebrenica among them, but he cannot recall their last names. At around 5 PM the same day, all prisoners were escorted to Škovići to the then prison and they were kept there the whole night. During the night in prison, the prisoners were not interrogated nor abused. However, in the early morning of 26th July 1995, all prisoners were escorted to the Batković camp. When they were escorted to the Batkovići camp, the ICRC met them and registered all the prisoners. At the end of the informative conversation, the source told us that after the ICRC registered them, conduct towards prisoners was fair. They were not abused, beaten and so on. The wounded ones were immediately provided with medical assistance, whereas healthy and capable men were sent to do farming jobs to military [?economy]. The source stayed in the Batkovići camp until 29th September 1995 when he was exchanged on the dividing line in Šatorovići. When he came to the Red Cross in Tuzla, he learned where his mother, sister, grandfather and grandmother were, they met and continued living together.[482]

Mevlid Alić, born to father Abid and mother Samija on 28 September 1961 in the village of Poljak, Srebrenica Municipality, gave a statement to the operatives of the RBiH State Security Service, Tuzla Sector, on 6 October 1995 on the circumstances of his capture in Osmaci and his stay at Camp Batković:

> Alić was thrown into the first room in which he found 12 captured men, among whom he recognised Rešo Muhić, son of Bajro, born in 1960, from Trubari village. Not long after that, the remaining 11 from Alić's group were also brought to the rooms, more specifically: source's father-in-law Ramo Halilović from Dimniča village, Dalija Halilović who was also from Dimniča, a man called Sead from Subino village and his brother, Hakija from Osmače, as well as a man called Kemo, Enčo from Gladovići, Sadik (known as Kovač) from Peći, a man called Tiso who was also from Peći, and two young men aged between 17 and 20, whom he did not know and who were also from Peći. After all 24 men were detained for a shorter period of time, they were transported back to Šekovići in a truck and were placed in one barrack located near Šekovići. In two rooms, 3 x 1.5 meters in size.[483]
>
> .....
>
> All the wounded, the source being among them, were spared of exposing and subjecting to heavy manual labour. All the wounded were driven twice a week to the Military Hospital in Bijeljina for check-ups and wound bandaging. As for the manner in which the guards and other officials of the camp treated the prisoners, the source further stated that during his stay at the camp they had treated them fairly and he does not know of any cases of physical abuse, insulting, or of any murders. As far as the source remembers, one of the camp wardens was a man called Lujić, a Colonel, aged around 40, who treated the prisoners quite fairly.[484]

482 Statement of Enver Avdić, pp. 2-3.
483 Statement of Mevlid Alić, p. 2.
484 Statement of Mevlid Alić, p. 3.

Abdulah Salkić, born to father Mehemed on 1 October 1946 in Hranča, Bratunac Municipality, gave a statement to the operatives of the Research and Documentation Agency (AID)[485] on the circumstances of his capture and his treatment at Camp Batković:

> On 25th July 1995 at around 2 PM, Adis and I did not have any other choice so we decided to surrender and headed off towards Chetniks.[486]
>
> ……
>
> We were transported in a TAM truck from the artillery battery to Karakaj. Eight imprisoned civilians joined us in Karakaj. I knew two of them: Izet Džanić and Safet Džanić from Blječeva. When we arrived in the "Standard" Factory's facilities in Zvornik, we found around 10 more imprisoned civilians there. I did not know any of them. One person was hit and kicked in my presence in the factory. It was a young man and he was beaten because he asked where were the others who surrendered with him and who had stayed in the factory while Chetniks took him to the woods so he could call people to surrender.
>
> That same day in Zvornik, around 20 of us were handcuffed and transported to the Batković camp in a TAM truck. We arrived at the camp on 25th July 1995 at around 10 PM. On 26th July 1995, the ICRC registered all of us in the Batković camp. At that moment, there were 233 prisoners in the camp. Nobody beat me in the Batković camp, but a security officer was taking us in for questioning. He was taking us to the office on the camp property, individually. All prisoners in the Batković camp were later exchanged. I was exchanged on 29th September 1995.[487]

Ševal Ademović, born to Salih and Mejra Avdić on 29 July 1951 in the village of Podosoje, Srebrenica Municipality, gave a statement to the Research and Documentation Agency (AID) Tuzla Sector, detailing his capture in the region of Baljkovica:

> **When we reached Snagovo, we attempted to break through to Baljkovica and Memići, and during those attempts we came across bodies of our killed fighters who had attempted to break through before us, and there were also quite a few wounded.** From Snagovo we managed to get through to Memići, where we spent about 5-6 days near the [front] lines. We realised that we were in Memići because we found some piece of paper bearing the signature of some girl from the primary school in Memići.
>
> After wandering along the demarcation line, on 24 July 1995 the Chetniks captured me and six others: Alija Muratović, son of Omer from Pale in Srebrenica municipality, and his son Amir, born in 1978 and exchanged on 29 September 1995 in Šatorovići, Kadrija Muratović from Pale, who was Alija's cousin and was exchanged together with me in Sočkovac, Hasan Salihović, also from Pale, born in 1946 and was exchanged in Sočkovac, Kadrija Kadrić from Rulovci near Srebrenica, born around 1956 and was exchanged in Sočkovac, and a man called Ohran from Pervan near Bratunac, who was also exchanged in Sočkovac.[488]

485 Agency for Information and Documentation (An intelligence agency under Muslim – Bosniak control).
486 Statement of Abdulah Salkić, p. 2.
487 Statement of Abdulah Salkić, p. 2.
488 Statement of Ševal Ademović, pp. 1-2.

Hasmir Mehanović, born to father Nazif and mother Adila, née Paraganlić, on 24 January 1979 in the village of Sulica, Srebrenica Municipality, participant of the breakthrough to Tuzla, ARBiH 28th Division member, testified on the circumstances of his capture and his stay at Camp Batković:

> After they set off, 100 meters further, they once again ran into a Chetnik ambush from which the Chetniks opened fire and seriously injured Mersad Džanić *[underlined in original text]* in both legs, whom they succeeded to pull out to the nearby forest about 200 meters away from the road and on that occasion they administered first aid to him, and on 25 July 1995 there in Osmaci, the Chetniks encircled and captured them and took them to a prison in Osmaci which was located in one rural house. Upon arriving to prison, they were interrogated about where the army was located and towards where it continued to move. After a shorter interrogation they continued abusing and beating the source and Midhad Kadrić, and they beat Dahmo with iron rods on the head, back, and other body parts, while they did not beat the wounded Mirsad Džanić and they did not want to administer first aid to him *[underlined in original text]*. They were forcing Dahmo to tell them where he had hid his weapons by putting a pot over his head, trying to have him confess where his weapons were, and beat him the entire time with an iron rod on his head and back. The source further stated that all four of them were held in Osmaci until 19.00 hours on 25 July 1995 when they were transferred to the Batkovići camp. Upon arriving to Batkovići, they were immediately registered by the IRC – International Red Cross, thus the source was registered under NO 381156 and there he immediately got a refugee chart-book, and they were treated well, as the source stresses, because they were not abused, beaten, and so on. The source pointed out that during their stay in the camp, all prisoners, with the exception of the wounded casualties, worked on agricultural holdings and at the prison guards' [?homes]. The source pointed out that there were 232 registered prisoners in the Batkovići camp, and that 100 prisoners came to the exchange, while in Šatorovići, six of them refused to cross over to the free territory. The source points out that Hasan Alić and Halid Alić, two brothers, came with him to Lukavac, and that Midhad Kdrić [sic] and Mersad Džanić stayed in Tuzla.
>
> At the end of the interview, the source pointed out that on one occasion while they had been unloading a truck, the Serb drivers told him that there were two other camps in Milići and Vlasenica, that there were many prisoners in them, that they were doing the same work as them, that they were being treated the same, and that they were all originally from Srebrenica and surrounding villages *[underlined in original text]*.
>
> The source also pointed out that a man named Sado, originally from Poznanovići near Srebrenica, was a chief of a brigade in Srebrenica, that he was taken from the camp to Bijeljina to be interrogated and that he remained under investigation in Bijeljina for a month, and after that he was again returned to the Batkovići camp where he is currently located.
>
> At the end of the interview, the source pointed out that the camp warden and guards treated the prisoners correctly and that there was no abuse. Concerning the conversations he had had with the guards Ilija, Pero, Vaso, Jovo, and Brane, the source points out that they often said that they have had it enough of the war, that they could not wait for it to end so they could continue living their normal lives like they did before because they did not want further warring and deaths of innocent people.[489]

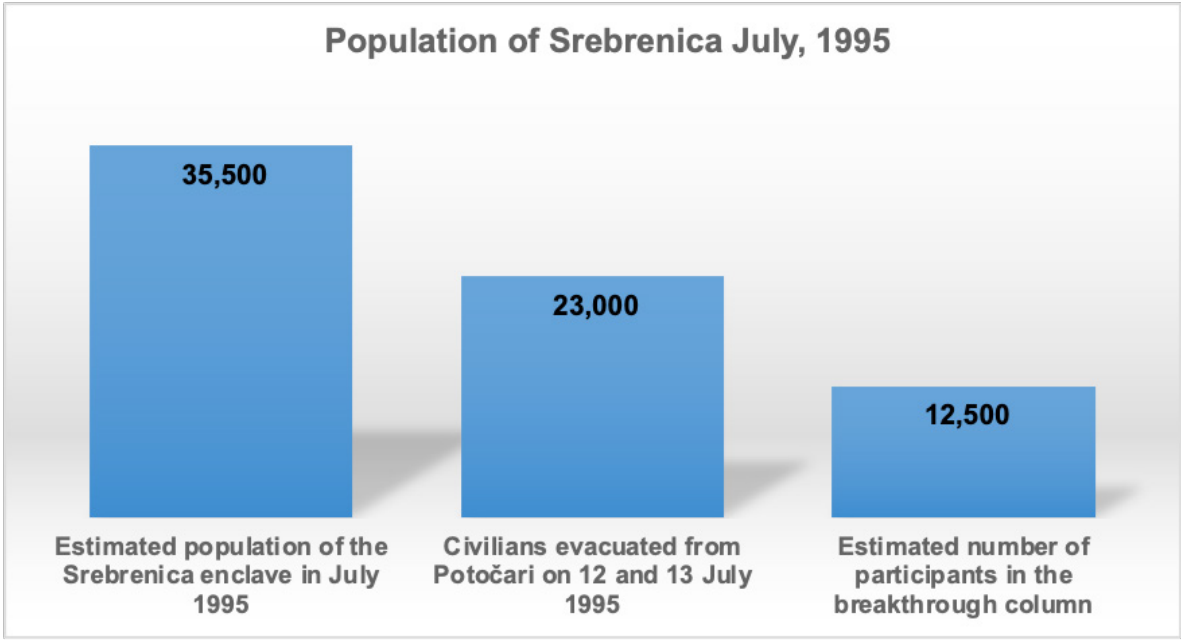
489 Statement of Hasmir Mehanović, pp. 2-3.

6. Casualties Assessment

This chapter contains estimates of casualties in the events that followed after the Serb forces entered Srebrenica. We shall start by estimating the number of residents of Srebrenica in July 1995[490] looking at their civilian or military status; then the number of missing/deceased persons relative to the total number of residents in the enclave; the age and sex of the missing/deceased and the time of their disappearance; estimating the number of missing/deceased persons looking at their civilian or military status. In addition, we processed the estimates of the numbers of casualties in mass shootings relative to the total figure of casualties in other circumstances; estimates of casualties looking at their nationality, the integrity of the missing/deceased persons lists (the ICMP, the Srebrenica Memorial Center), and the clearing of the area after the breakthrough by the ARBiH 28th Division.

6.1. Srebrenica Enclave Population July 1995 – Civilians vs. Breakthrough Participants[491]

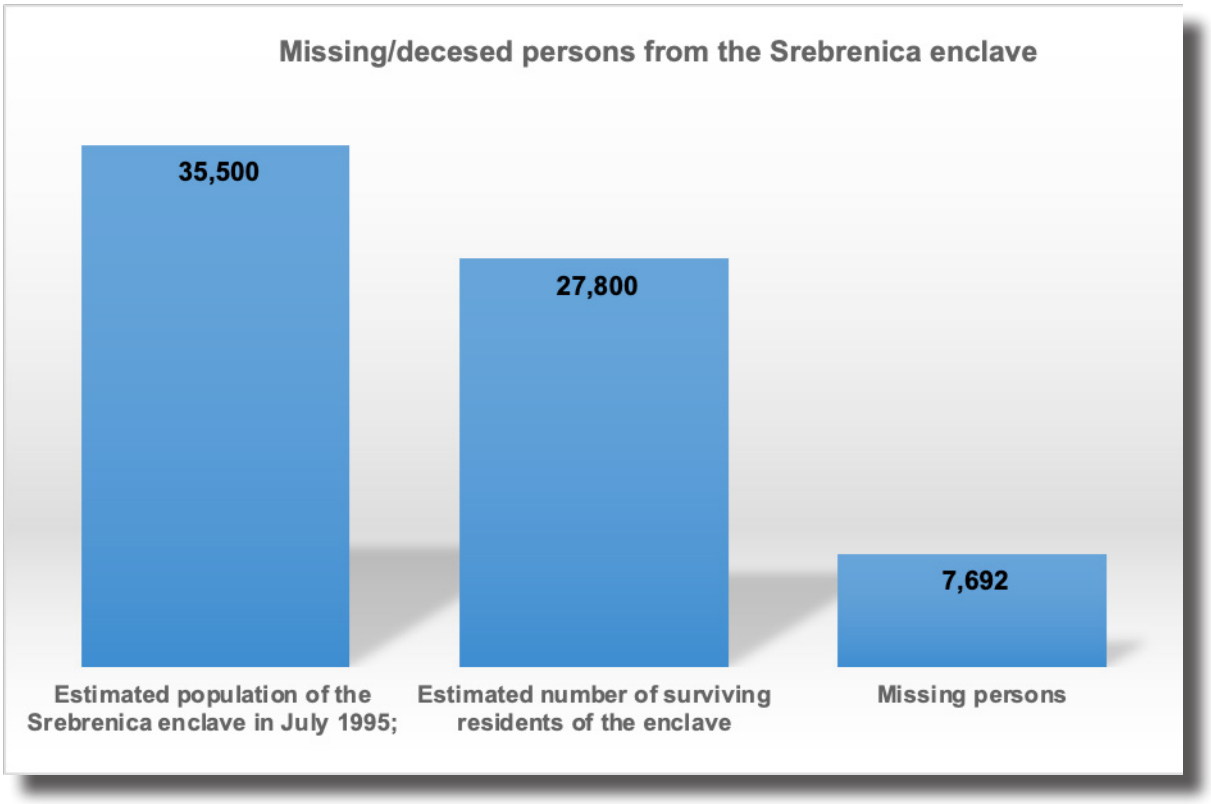
This refers to the population of several municipalities in the Middle Podrinje region who were living or staying in the Srebrenica enclave at the time.



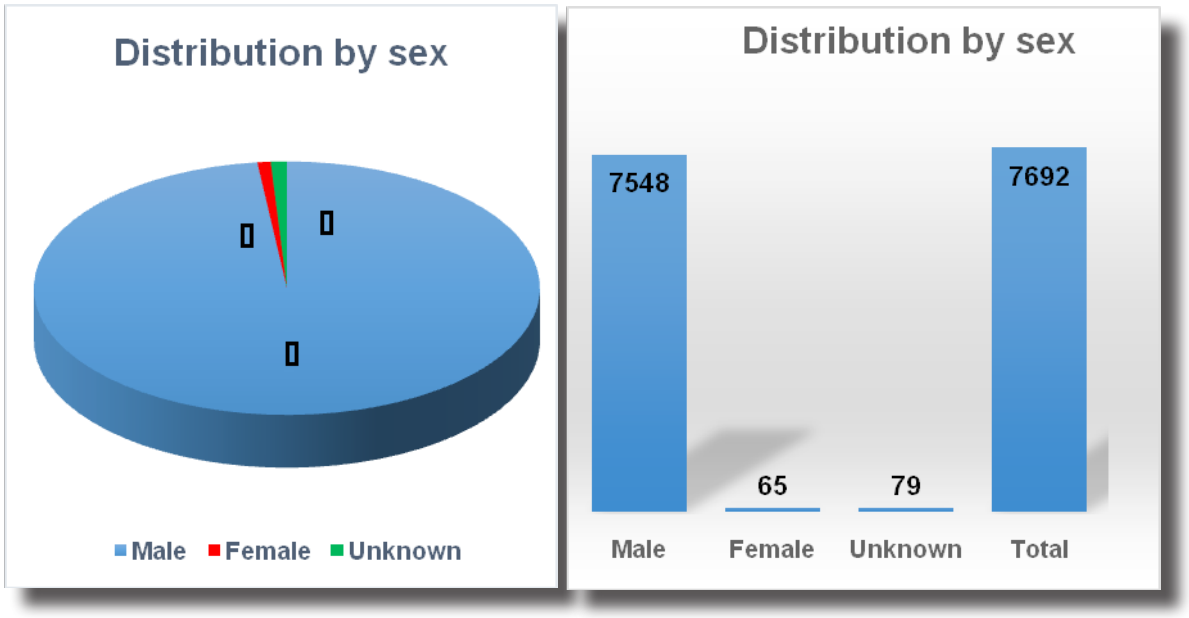
490 Refers to the population of several municipalities in the Middle Podrinje region who were living or staying in the Srebrenica enclave at the time.

491 For more details, see Section 2. Column/Breakthrough – Military Formation.

6.2. Missing/Deceased Persons from the Srebrenica Enclave

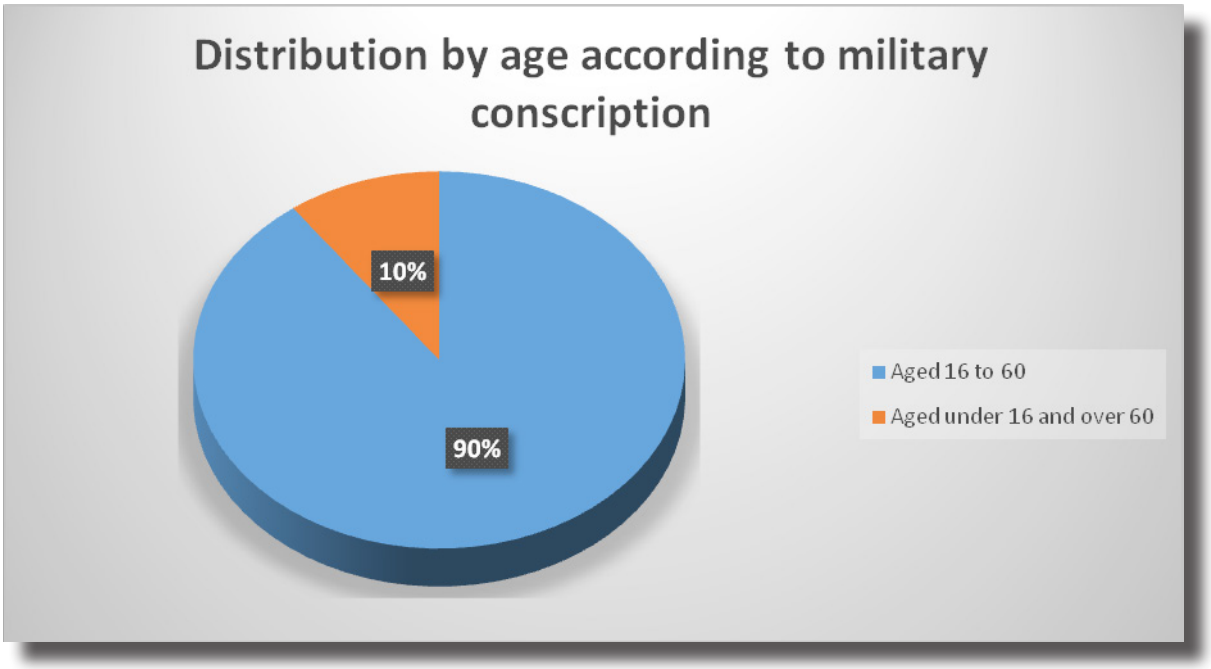


6.3. Sex Distribution of the Missing/Deceased Persons

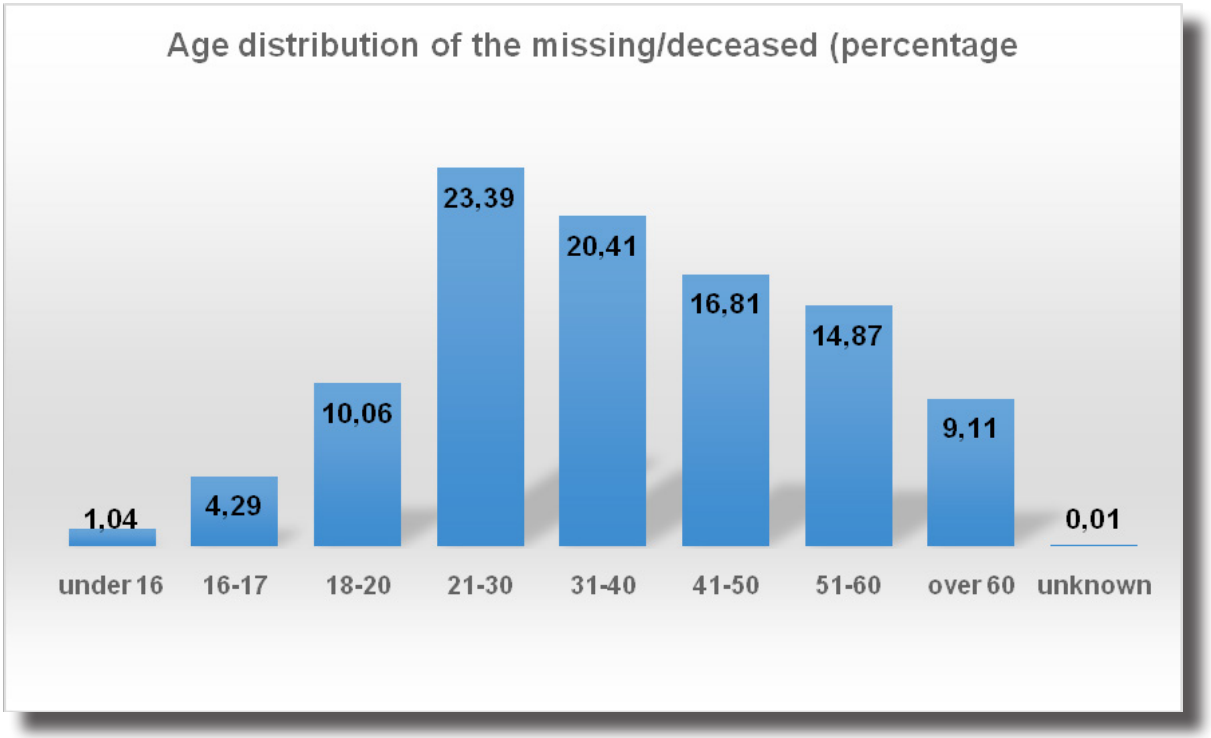


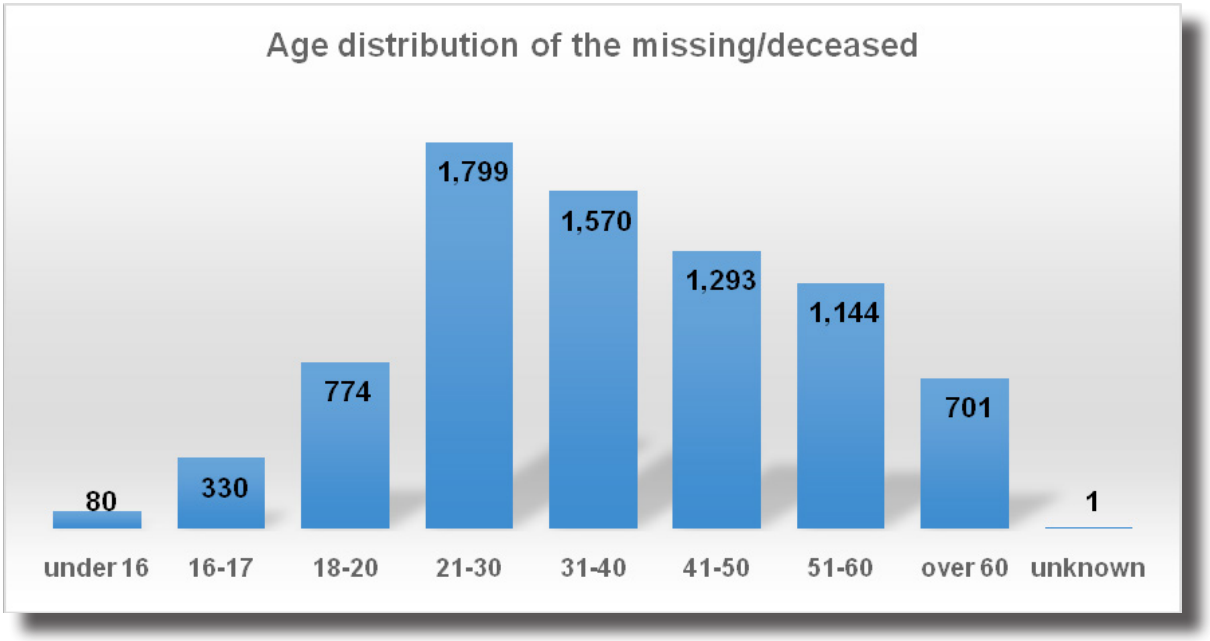
Source: ICTY OTP, *The 2009 Progress Report*.

6.4. Age Distribution of the Missing/Deceased Persons



Source: ICTY OTP, *The 2009 Progress Report*.





Source: ICTY OTP, *The 2009 Progress Report*.

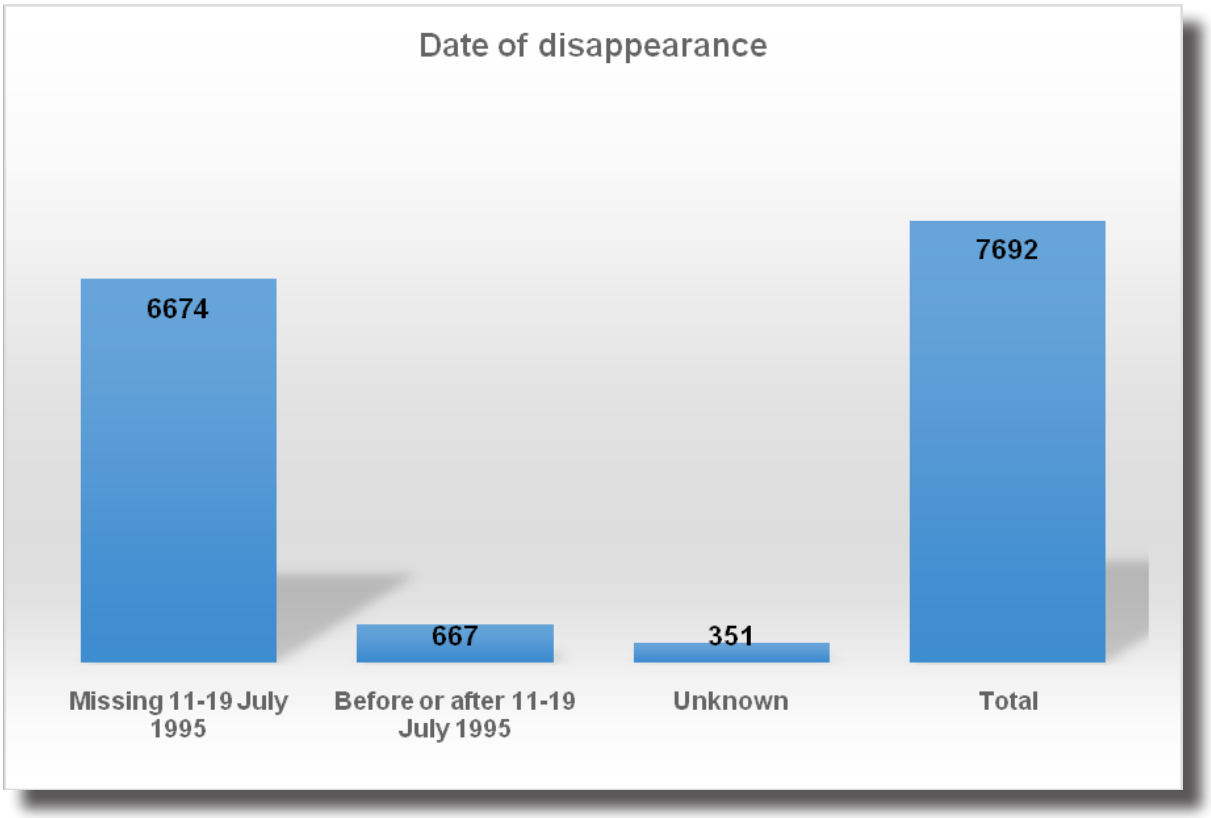
The age distribution of the missing column participants makes for 89.83% of the able-bodied population aged between 16 and 60. That age range corresponds to the order by the Srebrenica military authorities that men aged 16 to 60 shall report to the staging area.[492] Only a fraction of the total figure of missing column participants were under 16 (80 persons or 1.04%). The breakthrough column included 701 (9.11%) persons over 60.

6.5. Distribution of Missing Persons by Time of Disappearance

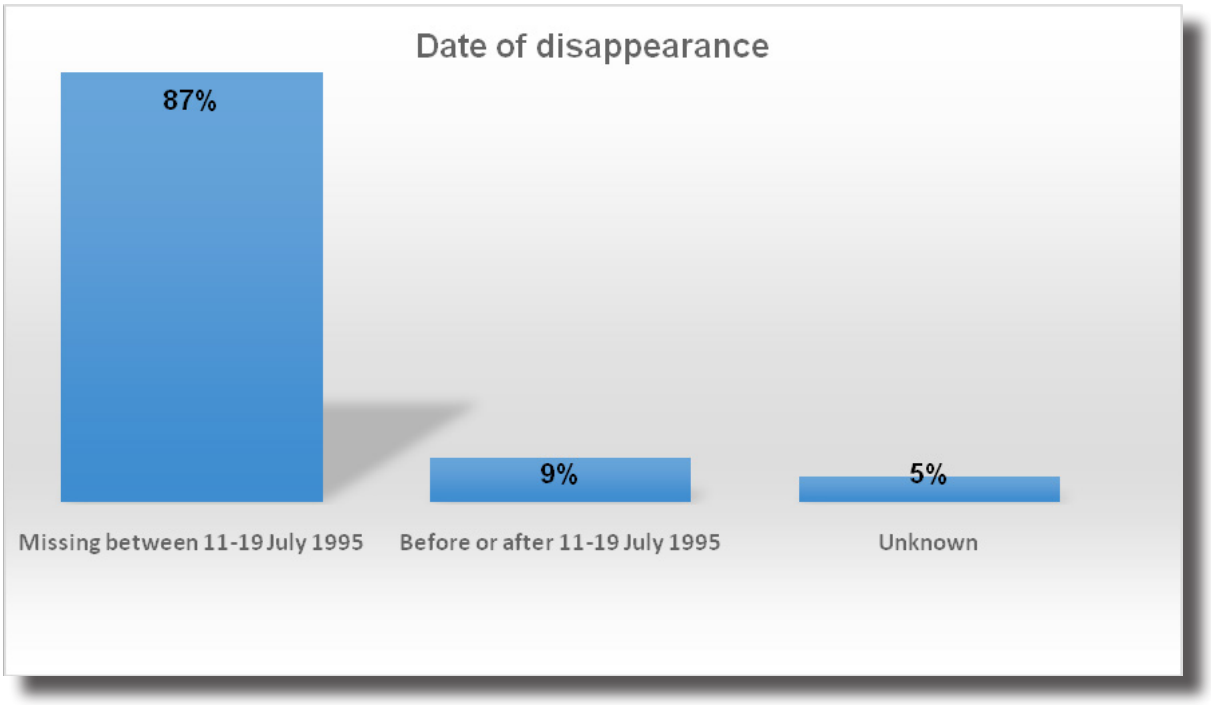
According to the time of disappearance[493], we organized the missing persons into three groups: those who went missing within the critical period between 11 and 19 July 1995, those who went missing in July 1995 but outside of this period, and those whose date of disappearance is unknown.

492 For more details, see Section 2. Column/Breakthrough – Military Formation.

493 The time of disappearance does not necessarily correspond to the time of death, but rather to the day when the person was last seen alive by those who reported him/her missing.



Source: ICTY OTP, *The 2009 Progress Report*.



Source: ICTY OTP, *The 2009 Progress Report*.

Based on the data analysis, most of the missing column participants disappeared within the critical period between 11 and 19 July 1995.

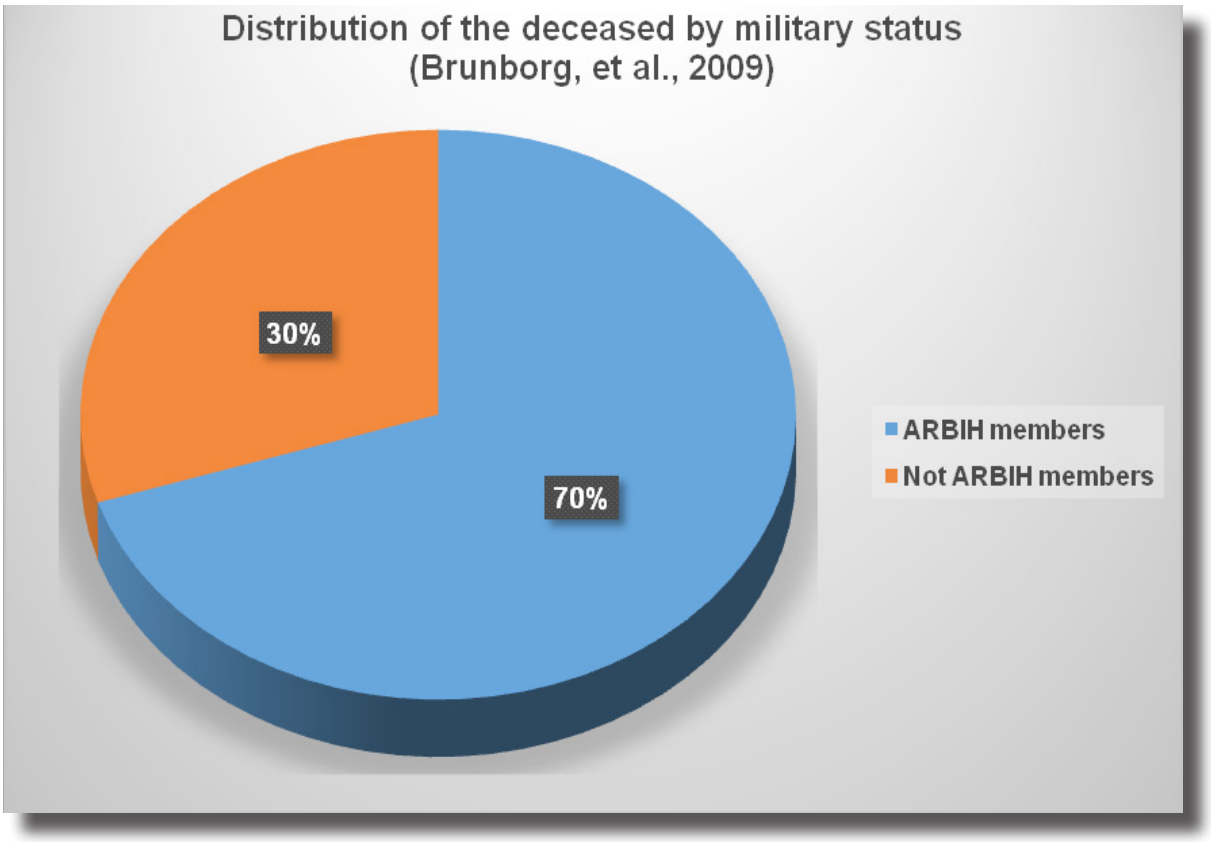
6.6. Casualties by Status – Civilian/Military

The ICTY Department of Demographics compared the data from the ARBiH military records with the missing persons list compiled by ICTY Prosecution in 2005. That analysis yielded the finding that 5.371 of the missing persons were on the ARBiH military records at the time they went missing, which is 70.1% of the total number of deceased persons.[494] We must point out that those were active duty members of the ARBiH 28th Division, and this analysis did not consider the reserve force members who participated in the breakthrough. The report by ICTY Prosecution, stated the following:

> Cases of BiH soldiers and other military personnel confirmed to be in the OTP list of Srebrenica missing, about 70% of the OTP list, remain on the OTP list as there exists evidence that a majority of them were exhumed from mass graves in the Srebrenica area. This confirms that these individuals died violent deaths in non-combat circumstances.[495]

The fact that remains were discovered within a mass burial site does not necessarily in and of itself mean that every victim died violently in noncombat circumstances. Such a claim is incorrect and superficial, and implies that the ICTY Prosecution did not conduct an investigation into the circumstances of death. In addition, the authors of the aforementioned study did not consider in their analysis the members of the ARBiH 28th Division reserve forces who participated in the column, but rather only active duty members, i.e. 70.1% of them. Had they included the reserve forces, the percentage would have been meaningfully higher.

494 Brunborg et al., *The 2009 Integrated Report,* p. 12.
495 Brunborg et al., *The 2009 Integrated Report,* p. 30.



Source: Brunborg, et al., *The 2009 Integrated Report.*

6.7. Numbers of Victims Killed in Mass Shootings Relative to the Total Figure of Persons Deceased in Other Circumstances[496] (High and Low Estimates)[497]

Total number of missing/deceased persons within the critical period (11-19 July 1995)	Estimated number of persons captured and shot	Estimated number of exchanged persons	Persons deceased in other circumstances (combat, mutual clashes, suicides)
approximately 7,000*	minimum between 1,500 and 2,000	approximately 185	minimum 4,000
	maximum between 2,500 and 3,000	-	maximum 5,000

496 Combat, mutual clashes, suicides.

497 For more details, see Section 4.

* The ICMP list includes 351 persons who went missing in July 1995, but who do not have a specified date when they were last seen alive in July. That figure of 351 persons added to the 6,674 persons on the list yields a total of 7.025

6.8. Casualties of Each Warring Party

Casualties from the Srebrenica enclave: 7,692[498]

Serb casualties from the "Krivaja-95" military operation: 53, not including the wounded and the missing.

6.9. Integrity of Missing/Deceased Persons Lists (ICMP, ICTY Prosecution, Srebrenica Memorial Center)

The phrase "integrity of the lists" refers to the completeness of the data they contain and its accuracy. We analyzed the lists from the ICMP, ICTY Prosecution, and the Srebrenica Memorial Center.

6.9.1. ICMP and the ICTY Prosecution List[499]

The ICMP list of missing persons is the official list of missing persons used by the ICTY Prosecution in criminal proceedings. The ICMP identifies missing persons through DNA, but does not concern itself with the cause of death. Even though these are listed as two independent sources, the ICTY Prosecution largely relied on the ICMP database as its own source.

The goal of the analysis was to determine the validity of the list in the context of whether all persons listed on it had indeed died in July 1995, and whether the information listed is complete and accurate. An exhaustive check of every name on the list would be an extremely demanding task, therefore only a comprehensive check was carried out.

The ICTY Prosecution has been amended in an edition of the missing persons list from 2009.[500] That document listed persons who may have potentially survived the events in Srebrenica[501] and one person who has been indisputably confirmed to be alive.[502] We must point out that the list was published in 2009, that is, a full 14 years after the Srebrenica tragedy – more than enough of a time span to verify the list in exhaustive detail and exclude the survivors.

Our analysis yielded further irregularities not entered into evidence by the ICTY Prosecution in their list:

- We determined that one person is listed on the ICTY Prosecution list who cannot under any circumstances be placed in the same time period as the events following the fall of Srebrenica.

498 This is an assumption, since the population was predominately Bosniak, but that does not exclude the possibility that some of the casualties had different nationalities, but those would be individual cases. According to Brungorg et al., the casualties included 85.8% of Bosniaks, 13.4% unknown, and 0.9% persons of other nationalities (Brungorg et al., *The 2009 Integrated Report,* p. 19).

499 ICTY OTP *The 2009 Progress Report*, p. 5.

500 ICTY OTP, *The 2009 Progress Report*.

501 See Part 5: 2009 List of Srebrenica Missing and Dead: Excluded Records of Potential Survivors.

502 See Part 6: 2009 List of Srebrenica Missing and Dead: Cancelled Records of Closed Cases Alive.

- We determined that the ICTY Prosecution list contains two persons who potentially may have survived the war, and whose identical personal information can be found in the records of BiH personal documents issued in the country or BiH diplomatic-consular outposts abroad after the end of the war in Bosnia and Herzegovina.

The aforementioned facts indicate significant oversights in the work of the ICTY Prosecution in the sense that the list of missing/deceased persons was not precisely verified, which was the mandate of the investigation into the events in Srebrenica. Had the investigation been conducted according to the rules of the profession and had the circumstances of death been determined, the aforementioned oversights would not have happened. However, this task was assigned to the ICMP, which identifies casualties through DNA and does not concern itself with the cause of death. The ICMP is basically a DNA lab, and its mandate was not to conduct the investigation, which was not conducted by ICTY Prosecution in the aforementioned context, which ultimately led to the imprecise and inaccurate fact checking relating to the events from July 1995.

a) *Persons listed on the ICTY Prosecution list who went missing prior to 1995*

Bektić (Ramo) Dževad, born 11 February 1967 in Srebrenica. This person is listed on the ICTY Prosecution list (OTP, 2009: 27).[503] Time and place of this person's disappearance are listed as 31 July 1995 in Udrč – Zvornik. However, an inquiry into other sources showed that this person died on 17 January 1993 in Jezero. Several sources confirm this claim.

The first of the documents is a list of killed ARBiH conscripts from 23 December 1993. The document is designated "Military Secret – Confidential."[504] Page 9 of the document under the number 473 lists the name and personal information of that person, including the time and place he died and the date of his funeral (which is 18 January 1993).

A person with the same personal information and date of death is listed in a book by ARBiH 28th Division Commander Naser Orić titled *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istočnoj Bosni (srednje Podrinje), april 1992.-septembar 1994* [Srebrenica Testifies and Presses Charges: Genocide of Bosniaks in Eastern Bosnia], page 219, number 315.[505]

A person with the same personal information and date of death (17 January 1993) is listed on the list of shahids (fallen fighters) at the Kragljivoda Memorial Center under the number 288.[506]

503 ICTY OTP, *The 2009 Progress Report.*

504 ARBiH, 2nd Corps Command, Operational Group Srebrenica Command, *List of military personnel killed in action* [original name: Armija BiH, Komanda 2. korpusa, Komanda OS Srebrenica, Vojna tajna, Povjerljivo, Spisak poginulih v/o], Military Secret, Conf. No. 03-643/1, Tuzla, December 23, 1993, Archives of the RCIRZ.

505 Naser Orić, *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istocnoj Bosni (srednje Podrinje), april 1992 – septembar 1994* [Srebrenica Testifies and Points Fingers: Genocide of Bosniaks in Eastern Bosnia (Middle Podrinje), April 1992 – September 1994], (Općina: 1995).

506 Kragljivoda Memorial Center, "List of shahids", accessed August 30, 2020, http://www.kragljivoda.ba/admin/dokumenti/88SpisakSehidaMCKragljivodaABCD.pdf.

Based on the aforementioned, we may posit with a high degree of likelihood that these entries refer to the same person, who died on 17 January 1993, but is listed on the ICTY Prosecution list used as the referential list of persons missing from Srebrenica in July 1995. This person is not classified as missing in the ICMP records.[507]

b)*Persons appearing on the ICTY Prosecution list who are potential survivors*

In the course of research, we determined that the person by the name of Sedin Salikić[508], father's name Hakija, sex: female, born 3 October 1974, is listed on the ICTY Prosecution list as an identified casualty.[509]

An inquiry into the database of personal documents issued to BiH citizens (IDEEA) showed that the database lists a person by the name of Sedina Salikić-Bumbalović,[510] father's name Hakija, born 3 October 1974, personal identifying number (JMBG) 0310974188138. We further checked into the records of the Srebrenica Memorial Center. In their database, a person named Sedin Salikić, born 3 October 1974, personal identifying number 0310974188138 is listed under the number 7023.[511] Based on the overlap in identifying personal information, especially the personal identifying number, we may presume with a high degree of likelihood that this is the same person, and that this person survived the events in Srebrenica, but appears on the ICTY Prosecution missing persons list (as well as the Srebrenica Memorial Center's list of casualties). The ICTY Prosecution list only has one person named Sedin (Hakija) Salikić, which excludes the possibility that there are two persons with the same or extremely similar first name, surname, and father's name. We are not dismissing the possibility of data misuse or identity theft, nor that the ICMP and later the ICTY Prosecution made a simple mistake, but that should have been verified.

Nesiba Ibrahimović, father's name Hakija, appears on the ICTY Prosecution list,[512] born 1970, no date of birth listed on the Prosecution list. The IDEEA database of personal documents issued to BiH citizens lists a person named Nesiba Ibrahimović, father's name Hakija, born 15 May 1970 in Pripečak (Ministarstvo unutrašnjih poslova Republike Srpske, 2020).[513] This person is not listed as missing in the ICMP database.[514]

507 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

508 This name is misspelled. The female name is Sedina.

509 ICTY OTP, *The 2009 Progress Report,* p.176.

510 Bumbalović – married name.

511 "Tužna godišnjica: ovo su imena 8.372 ubijenih Srebreničana u genocide 1995. godine," [Tragic Anniversary: These Are the Names of 8,372 victims of the 1995 Srebrenica Genocide], *Global CIR,* July 11, 2018, accessed November 20, 2020, https://www.globalcir.com/2018/07/11/tuzna-godisnjica-ovo-su-imena-8-372-ubijenih-srebrenicana-u-genocidu-1995-godine/.

512 ICTY OTP, *The 2009 Progress Report,* p. 87.

513 Republika Srpska Ministry of the Interior (hereinafter: RS MoI), *Access to information for the purposes of Independent International Commission of Inquiry on Sufferings of Serbs in the Srebrenica Region between 1992 and 1995* [original name: Dostavljanje podataka za rad Nezavisne međunarodne komisije za stradanje svih naroda u Srednjem Podrinju i Srebrenici od 1992. do 1995. God] No. И-Д/П-230.4-7/20.], September 18, 2020

514 RS MoI, *Access to information for the purposes of Independent International Commission of Inquiry on Sufferings of Serbs in the Srebrenica Region between 1992 and 1995* [

c) *Srebrenica Memorial Center – Potočari Memorial and Cemetery for victims of the 1995 genocide (hereinafter: Memorial Center)*

Our research yielded a total of 36 names of persons carved into the memorial at the Memorial Center, and who also appear in the IDEEA database of personal documents issued to BiH citizens after the end of the war in Bosnia and Herzegovina. The comparison parameters we used were first name, surname, father's name and date of birth. 36 persons had an overlap in the amount of 100%. In addition, we found significant overlap in the comparison parameters for another 15 persons. For the most part, the differences amounted to a single letter in the spelling of a first name or surname. The aforementioned data indicates that these persons are likely alive, and therefore could not have possibly been victims of war relating to the events of July 1995.

1. ALIĆ SELMAN MEHAN – 20 July 1965
2. BEGIĆ MEVLUDIN MUJO – 13 January 1978
3. ČOMIĆ MIRZET SULJO – 20 February 1978
4. DELIĆ AHMO ŠABAN – 15 July 1941
5. DELIĆ ĆAMIL NEZIR – 5 January 1975
6. DELIĆ HAZIM SELIM – 14 February 1972
7. DŽANIĆ SAFET ŠABAN – 12 November 1952
8. HAJDAREVIĆ ŠABAN HUSEIN – 3 April 1956
9. HARBAŠ SAMIR HASAN – 25 March 1973
10. HASANOVIĆ ESMIR HAJDIN – 1 August 1978
11. HASANOVIĆ HAJRUDIN HUSO – 11 November 1961
12. HASANOVIĆ MEHO SMAJO – 7 November 1936
13. HASANOVIĆ MUHAREM ALIJA – 20 October 1969
14. HASIĆ NAZIF ZAIM – 10 March 1963
15. HODŽIĆ RAMIZ RAŠID – 27 January 1961
16. KAMENICA MEVLUDIN ŠABAN – 2 August 1962
17. KLEMPIĆ HAKIJA MUSTAFA – 27 April 1959
18. MALATIĆ HASAN SMAIL – 24 August 1980
19. MEHMEDOVIĆ MUHAMED OSMAN – 15 June 1970
20. MEHMEDOVIĆ RAMO KARO – 12 July 1948

21. MUJIĆ ABID MUSTAFA – 14 August 1970
22. MUJIĆ MUJO MUSTAFA – 28 September 1977
23. MURATOVIĆ JUSUF OMER – 19 November 1944
24. OMEROVIĆ MEHIDIN MEHMED – 29 June 1960
25. OMEROVIĆ MEHO MEHMED – 24 November 1954
26. OMEROVIĆ ŠEFIK ŠEMSO – 28 November 1953
27. OSMANOVIĆ OSMAN ŠABAN – 14 November 1953
28. POROBIĆ ENVER OMER – 4 March 1980
29. RAHMIĆ IZET RIFET – 15 August 1974
30. SALIHOVIĆ ZULFER HASAN – 14 October 1955
31. SALKIĆ MEHO ŠABAN – 11 January 1954
32. SEJDIĆ ZIJAD BEĆIR – 20 May 1962
33. SINANOVIĆ NURIJA SALKO – 17 December 1952
34. SMAJLOVIĆ JUSUF OSMAN – 19 February 1955
35. SULEJMANOVIĆ FIKRETA ZAHIR – 20 June 1954
36. ŠAĆIROVIĆ MAHMUT BAHID – 29 July 1964

Srebrenica Memorial Center		**IDEEA* - BiH citizens registry (**MUP RS, 2020)	**Comment**
name – surname – father's name – date of birth		**name – surname – father's name – date of birth**	
1	ARIFOVIĆ MEVLUDIN ZULFER – 26 October 1965	ARIFOVIĆ MEVZUDIN ZULFER- 26 October 1965	one letter different in the spelling of the first name
2	ĐOZIĆ HAMED SEJID – 26 March 1938	ĐOZIĆ HAMED SEID – 26 March 1938	one letter different in the spelling of the first name
3	HASANOVIĆ HUSEIN HUSO – 25 July 1955	HASANOVIĆ HUSEJIN HUSO – 25 July 1955	one letter different in the spelling of the first name
4	HASIĆ NIJAZ HUSEIN – 16 March 1959	HASIĆ NIJAZ HUSEJIN- 16 March 1959	one letter different in the spelling of the first name

* RS MoI, *Access to information for the purposes of Independent International Commission of Inquiry on Sufferings of Serbs in the Srebrenica Region between 1992 and 1995.*

5	HUSEJNOVIĆ BEKIR FEHIM – 15 October 1979	HUSEJINOVIĆ BEKIR FEHIM- 15 October 1979	one letter different in the spelling of the last name
6	HUSEJNOVIĆ IDRIZ ISMET – 2 July 1972	HUSEJINOVIĆ IDRIZ ISMET- 2 July 1972	one letter different in the spelling of the last name
7	MUJIĆ BEHRUDIN BAJRO – 14 January 1975	MUJIĆ BAHRUDIN BAJRO – 14 January 1975	one letter different in the spelling of the first name
8	MUJIĆ ŠEFIK REDŽO – 21 September 1975	MUJIĆ ŠEFIKA VAREŠEVIĆ REDŽO	one letter different in the spelling of the first name and sex
9	MUSTAFIĆ SENAHID IBRAHIM – 3 August 1972	MUSTAFIĆ SENAD IBRAHIM- 3 August 1972	different name
11	OMEROVIĆ ALIJA MEHMED – 11 February 1943	OMEROVIĆ MEHMED ALIJA – 11 February 1943	different name / names swapped places
12	OMEROVIĆ MIRSAD ZAIM – 30 September 1968	OMEROVIĆ MIRSAD ZAJIM- 30 September 1968	one letter different in the spelling of the first name
13	SALIHOVIĆ HASAN HASIB – 27 September 1946	SALIHOVIĆ HASAN HASO- 27 September 1946	different father's name, listed a nickname
14	SALIHOVIĆ KEMO IBRAHIM – 3 January 1980	SALIHOVIĆ KEMAL IBRAHIM- 3 January 1980	different name, the Srebrenica Memorial Center listed a nickname
15	SALKIĆ SEDIN HAKIJA – 3 October 1974	SALKIĆ BUMBULOVIĆ SEDINA HAKIJA 3 October 1974	one letter different in the spelling of the first name and sex

Apart from the persons listed above, whose names are carved into the Srebrenica Memorial, but who potentially may have survived the events in Srebrenica, we also wanted to determine whether any of the persons buried there may have died prior to the events of July 1995, and therefore could not possibly be put into the same context as the events starting 11 July 1995 and forward.[515]

515 The very title "The Law on the Srebrenica-Potočari Memorial Center, Monument and Cemetery for victims of the 1995 Genocide" (hereinafter: Law on the Memorial Center) clearly indicates that the

The Independent Commission for the Suffering of All Peoples in the Srebrenica Region in the period 1992-1995 addressed a request to the Srebrenica Memorial Center for access to the list of 8,382 persons (whose names are carved on the Srebrenica Memorial Center monument) considered by the Srebrenica Memorial Center to be victims of the war operations in July 1995, including their personal information, date, circumstances, and any other information relevant to their death.[516] The response by the Srebrenica-Potočari Memorial Center and Cemetery for victims of the 1995 genocide, Srebrenica, was received on 18 March 2020 and logged into evidence as no. 08/4.01/773-75-165/18. The response states that they are unable to provide the requested access seeing as they have no obligation to share that information according to the Law on Freedom of Access to Information of the Republic of Srpska, as they were founded per the Law on Registration of Business Entities Founded by the Institutions of Bosnia and Herzegovina.[517]

Therefore, the Commission did not have access to key information necessary to be able to fully determine the number of persons who died before and after the defined timeframe. In our analysis of persons buried at the Srebrenica Memorial Center, and in circumvention of the conditions imposed by law, we relied on the data sources available to us. Those are: the documents of Republika Srpska's Center for the Research of War, War Crimes, and the Tracing of Missing Persons, RS Government. Then, we consulted monographs which contain information on the deaths of Bosniaks. [518] We also used the Memorial Center's public access documents about the victims who have been identified and buried, as well as ARBiH documentation on soldiers killed in action, the documents of the Bosnia and Herzegovina Federal Commission for Missing Persons, the data of the International Committee of the Red Cross (ICRC) and the database of the International Commission for Missing Persons (ICMP).

The following is the list of persons that we have determined had died prior to July 1995, but who appear on the Srebrenica Memorial Center list of casualties:

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memorial center was founded as a monument and cemetery for the victims of the 1995 genocide. The same claim is corroborated by the Article 1 to the aforementioned law, which states:

"This law establishes the Srebrenica-Potočari Memorial Center, Monument and Cemetery for victims of the 1995 Genocide (further: Memorial Center), the status and structure of which are defined in this law." (Official Gazzete of Bosnia and Herzegovina [*Službeni glasnik Bosne i Hercegovine*], No. 49 – page 5520, 2 July, 2007)

516 Republika Srpska, Ministry of Justice, Center for the Research of War and War Crimes and the Tracing of Missing Persons, Letter to the Intelligence-Security Agency of Bosnia and Herzegovina, Request for the provision of information, [Republika Srpska, Ministarstvo pravde, Dopis Obavještajno sigurnosnoj agenciji, RCIRZ, Zahtjev za ustupanje informacija (cyr)], No 08/4.01/773-75-165/18, February 27, 2020.

517 Srebrenica-Potočari Memorial Center, Monument and Cemetery for Victims of the 1995 Genocide, *Response to your request, No. 08/4.01/773-75-165/18* [Memorijalni centar Srebrenica – Potočari spomen – obilježje i mezarje za žrtve genocida iz 1995. godine, Odgovor na vaš zahtjev br. 08/4.01/773-75-165/18], No. 02-02-3-238-1/20, Srebrenica, March 16, 2020.

518 Mirsad Tokača, *Bosanska knjiga mrtvih: ljudski gubici u Bosni i Hercegovini 1991-1995* [Bosnian Book of the Dead: Human Losses in Bosnia and Herzegovina, 1991-1995]. (Sarajevo: Istraživački dokumentacioni centar, 2012); Orić, *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istočnoj Bosni (srednje Podrinje), april 1992.-septembar 1994* [Srebrenica testifies and accuses: genocide against Bosniaks in east Bosnia (middle Podrinje), April 1992-September 1994], (Općina, 1995).

1. Ahmetović (Šahin) Omer, born 1946

According to the data of Republika Srpska's Center for the Research of War, War Crimes and the Tracing of Missing Persons (hereinafter: RS Center), this person was buried at the Srebrenica Memorial Center in 2003.[519] In addition, this person appears on the list of identified remains buried at the Srebrenica Memorial Center on 31 March 2003.[520] According to the RS Center data, this person has been reported missing in Vlasenica on 1 June 1991.[521] An inquiry into the ICMP database, which is available for viewing on their official website, showed that this person was reported as missing on 5 May 1992.[522]

2. Begzadić (Huso) Latifa, born 5 April 1938

According to the RS Center data, this person was buried at the Srebrenica Memorial Center on 11 July 2006.[523] In addition, this person appears on the schedule of Srebrenica genocide victim burials at the Srebrenica Memorial Center for 11 July 2006.[524] According to the RS Center data, this person was killed in 31 May 1992 in Sikirići, Bratunac Municipality.[525] We found the same confirmation on the list of remains exhumed and identified in the Bratunac Municipality, carried out by the Federal Commission for Missing Persons.[526] In addition, this person appears under the number 56 on the list of civilians missing at the start of the war in 1992 according to the logs of the Srebrenica Communications and Information Office, available in Naser Orić's book, with a note saying that she was killed in Sikirići in May 1992.[527] An inquiry into the ICMP database showed that this person was reported as missing on 31 May 1992.[528]

519 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

520 *List of identified remains buried at the Srebrenica-Potočari Memorial Center on 31 March 2003* [original name: Spisak identifikovanih tijela ukopanih 31. marta 2003. godine u memorijalnom kompleksu „Srebrenica – Potočari"], ICTY 0554-2684, Srebrenica newspaper [Srebreničke novine], Special edition No. 7 (April 2003). Archives of the RCIRZ.

521 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

522 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

523 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

524 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006* [Raspored ukopa nastradalih Srebreničana predviđenih za ukop 11.07.2006. godine u Memorijalnom centru Srebrenica – Potočari], ICTY 0554-2635, Archives of the RCIRZ.

525 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

526 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Commission on Missing Persons, *Letter to the ICTY* [original name: Bosna i Hercegovina, Federacija Bosne i Hercegovine, Federalna komisija za nestale osobe, Dopis za MKSJ], No. 01-41-3720/2007, ICTY 06129396, July 30, 2007. Archives of the RCIRZ.

527 Orić, *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istočnoj Bosni april 1992.-septembar 1994*, p. 196.

528 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

3. Karić (Avdo) Ramiz, born 25 January 1947

According to the RS Center data, this person was buried at the Srebrenica Memorial Center on 11 July 2006.[529] In addition, this person appears on the schedule of Srebrenica victim burials at the Srebrenica Memorial Center for 11 July 2006.[530] According to the RS Center data, this person was killed on 21 May 1992 in Mravinjci, Vlasenica Municipality.[531] This person also appears on the list of persons executed in Nova Kasaba on 20 May 1992.[532] Further evidence that this person was killed in 1992 is the fact that he appears on the list of persons missing from the municipality of Vlasenica in 1992 – which states that he was reported as missing on 21 May 1992.[533] The same piece of data entry can be found in a table included in the Report compiled for the purposes of the ICTY in the case against Radovan Karadžić by Amor Mašović, member of the Board of Directors of the Bosnia and Herzegovina Institute for Missing Persons.[534] Naser Orić's book also confirms his disappearance.[535] An inquiry into the ICMP database showed that this person was reported as missing on 21 May 1992.[536]

4. Ljeskovica (Emin) Safeta, born 1934

According to the RS Center data, this person was buried at the Srebrenica Memorial Center on 11 July 2006.[537] In addition, this person's name appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 2006.[538] According to the RS Center data, she was killed on 9 May 1992 in Skelani, Srebrenica Municipality.[539] An inquiry into the ICMP database showed that this person was reported as missing on 9 May 1992.[540]

529 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

530 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2639, Archives of the RCIRZ.

531 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

532 *Available data on prisoner facilities in the municipalities of Vlasenica and Milići* [Raspoloživi podaci koji se odnose na zatvoreničke objekte na području opština Vlasenica i Milići], ICTY 0561-8299. Archives of the RCIRZ.

533 *List of non-Serb persons missing from the Vlasenica Municipality between 4 April 1992 and 31 December 1992 who have been exhumed and identified* [original name: Lista osoba nesrpske nacionalnosti nestalih na području općine Vlasenica u periodu od 4. 4. 1992. do 31. 12. 1992. godine, koji su ekshumirani i identificirani], ICTY, 06865947. Archives of the RCIRZ.

534 *Prosecutor v. Radovan Karadžić*, Case No. ICTY IT-95-5/18-PT, Amor Mašović, Report, ICTY 06722899.

535 Orić, *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istočnoj Bosni april 1992.-septembar 1994*, p. 206.

536 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

537 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

538 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2640, Archives of the RCIRZ.

539 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

540 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

5. Mujić (Ibro) Nail, born 1968

According to the RS Center data, this person was buried at the Srebrenica Memorial in 2005.[541] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[542] According to RS Center data, this person went missing in May 1992.[543] According to RS Center records, a person by the same name, surname and father's name, born 25 May 1968, went missing on 11 May 1992 in Zvornik.[544] The data from the List of Persons Missing from the Srebrenica Municipality shows that this person went missing in Zvornik, and does not specify a date of disappearance.[545] It is important to point out that the aforementioned list was dated 26 May 1994, which is prior to July 1995. An inquiry into the ICMP registry, available for viewing on their official website, showed that this person was reported as missing on 1 January 1992. Further inspection of the records led us to conclude that the ICMP uses the date 1 January as a placeholder in the cases where it does not have findings on the precise date.[546]

6. Omerović (Mustafa) Hurija, born 16 April 1953

According to RS Center data, this person was allegedly buried at the Srebrenica Memorial Center on 11 July 2006.[547] In addition, this person's name appears on the schedule of Srebrenica victim burials at the Srebrenica Memorial Center for 11 July 2006.[548] According to RS Center data, this person was allegedly killed on 30 May 1992 in Sikirići, Bratunac.[549] This is supported by data from the list of exhumed/identified remains in the Bratunac Municipality area[550], as well as the data from the ICRC List of Missing Persons.[551] An inquiry into the ICMP registry showed that this person was reported as missing on 1 June 1992.[552]

541 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

542 *List of victims to be buried at Potočari July 11, 2005* [original name: Spisak stradalnika koji će biti ukopani 11. Jula 2005. u Potočarima], ICTY 0554-2621. Archives of the RCIRZ.

543 Data on Bosniaks killed in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

544 International Committee of the Red Cross (ICRC), *Missing Persons on the Territory of Bosnia and Herzegovina*, 1998, p. 177.

545 Republic of Bosnia and Herzegovina, Srebrenica Municipality, Municipal Civil Protection Staff Memo to the State Commission for Exchange of Prisoners of War, *Delivery of the list of missing persons from Srebrenica Municipality* [Republika BiH, opština Srebrenica, Opštinski štab civilne zaštite, Dopis upućen Državnoj komisiji za razmjenu, Dostava spiska nestalih lica sa područja opštine Srebrenica], No. 04-752/94. May 26, 1994. Archives of the RCIRZ, p. 1.

546 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

547 Data on Bosniaks killed in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

548 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2642, Archives of the RCIRZ.

549 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

550 List of exhumed/identified remains in the Bratunac Municipality, ICTY 06129449, Archives of the RCIRZ.

551 ICRC, *Missing Persons on the Territory of Bosnia and Herzegovina*, p. 196.

552 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

7. Salihović (Uzeir) Ševketa, born 1962

According to the RS Center's data, this person was buried at the Srebrenica Memorial on 11 July 2006.[553] In addition, this person appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 1995.[554] According to RS Center data, this person was reported as missing on 5 May 1992 in Bratunac.[555] An inquiry into the ICMP database showed that this person was reported as missing on 1 May 1992.[556]

8. Halilović (Hamid) Hasnija, born 1913

According to RS Center data, this person was buried at the Srebrenica Memorial Center on 4 July 2005.[557] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[558] According to RS Center data, this person was reportedly killed on 10 September 1992 in Tegare, Bratunac Municipality.[559] The ARBiH 8th Operational Group monograph contains a section detailing the assault on Tegare on 10 September 1992.[560] An inquiry into the ICMP registry, available for viewing on their official website, showed that this person was reported missing on 1 January 1993.[561]

9. Husić (Abaz) Naza, born 1950

According to the RS Center's data, this person was buried at the Srebrenica Memorial Center on 4 July 2005.[562] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[563] The RS Center's data says that this person was killed in June 1992 in Bratunac.[564] This person's name also appears on the list of missing civilians, which states that she went missing in June 1992 in Voljevica.[565] In addition, this person appears under the number 45 on the list of civilians missing at the start of the war in 1992 according to the logs of the Srebrenica Communications and Information Office, available in Naser Orić's book, with a note saying that she went missing in Podčauš in June

553 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
554 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2643, Archives of the RCIRZ.
555 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
556 International Commission on Missing Persons. accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
557 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
558 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2611. Archives of the RCIRZ.
559 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
560 28th Division of the Ground Army, 8th Operational Group*, Monograph*, ICTY Y0312652, Archives of the RCIRZ, p. 39.
561 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
562 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
563 *List of victims to be buried at Potočari on 11 July 2005*, ICTY, 0554-2614. Archives of the RCIRZ.
564 *List of victims to be buried at Potočari on 11 July 2005*, ICTY, 0554-2614. Archives of the RCIRZ.
565 *List of missing civilians* [original name: Spisak nestalih civila], ICTY 03572659. Archives of the RCIRZ.

1992.[566] An inquiry into the ICMP database, available for viewing at their official website, showed that this person was reported as missing on 13 May 1992.[567]

10. Alić (Mujo) Ragib, born 10 March 1962

According to the RS Center's data, this person was buried at the Srebrenica Memorial Center in 2005.[568] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[569] According to the RS Center's data, this person was killed on 8 March 1993 in Maćesi.[570] That piece of information is backed up by Naser Orić's book.[571] The information about this person can be found on the website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War. He was a member of the ARBiH for 323 days.[572] An inquiry into the ICMP database showed that this person was reported as missing on 8 March 1993.[573]

11. Bećirović (Bećir) Bekir, born 1959

According to the RS Center's data, this person was buried at the Srebrenica Memorial Center in 2005.[574] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[575] RS Center's data shows that this person was reportedly killed on 2 December 1992 in Bešića Brdo, Vlasenica Municipality.[576] There is also an entry saying that he was killed on 3 December 1992 in Bešića Brdo. These entries can be found on: the list of ARBiH 8th Operational Group members who were captured, killed or reported missing;[577] the list of combatants from the Srebrenica, Vlasenica, Bratunac and Zvornik municipalities who were killed in action;[578] the list of captured members of Srebrenica Armed

566 Orić, *Srebrenica svjedoči i optužuje,* p. 196.
567 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
568 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
569 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2604. Archives of the RCIRZ.
570 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
571 Orić, *Srebrenica svjedoči i optužuj*e, p. 231.
572 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed September 9, 2020, https://registri.fmbi.gov.ba/.
573 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
574 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
575 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2605. Archives of the RCIRZ.
576 Data on Bosniaks killed in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
577 ARBiH, 8th Operational Group Srebrenica Command, Memo addressed to the County Commission or Exchange of Prisoners of War, *List of ARBiH members who are captured, missing or deceased, and whose remains were left behind on aggressor-controlled territory* [original name: Armija BiH, Komanda 8. OG Srebrenica, Dopis upućen Okružnoj komisiji za razmjenu ratnih zarobljenika, Tabela pripadnika ARBiH koji su zarobljeni, nestali i poginuli, a tijela su im ostala na teritoriji koju kontroliše agresor], No. 62/94, Tuzla, March 1, 1994. Archives of the RCIRZ, p. 2.
578 ARBiH, 2nd Corps Command, Operational Group Srebrenica Command, *List of military personnel killed in action*, Military Secret, Conf. No. 03-643/1, Tuzla, December 23, 1993, Archives of the RCIRZ, p. 6.

Forces.[579] The list of 8th Operational Group commanders who were killed in action states that this person had been a member of the ARBiH since 17 April 1992 and had been ranked as a platoon commander, and that he was killed in Podravanje on 3 December 1992.[580] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information about a Bećirović (Bećir) Bekir, born 2 October 1959, who had been a member of the ARBiH for 231 days.[581] An inquiry into the ICMP database showed that this person was reported missing on 3 December 1992.[582]

12. Zuhrić (Nezir) Abid, born 12 March 1957

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[583] This person's name also appears on the list of remains planned for the fifth stage of burials at Potočari.[584] According to the data of the RS Center, he was killed in Bjelovac on 14 December 1992.[585] That piece of information is backed up by Naser Orić's book.[586] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists info about this person alleging that he was a member of the ARBiH for 242 days.[587] An inquiry into the ICMP registry showed that this person was reported as missing on 14 December 1992.[588]

13. Ibrahimović (Mustafa) Meho, born 27 April 1967

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2006.[589] In addition, this person's name appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 2006.[590] According to the RS Center data, this person was reported as missing on 17 October 1992 in Barakova Rijeka, Srebrenica Munic-

579 *List of captured members of the Srebrenica Armed Forces* [Spisak zarobljenih pripadnika OS Srebrenica], Commission for Inquiry into the Events in and around Srebrenica from 10-19 July 1995, No. 107-2004, May 27, 2004. Archives of the RCIRZ, p. 2.

580 List of killed and severely wounded commanders of the 8th Operational Group Srebrenica [original name: Spisak stradalih i teško ranjenih starješina na dužnosti 8. OG Srebrenica] ERN: 0417-0441-0417-0447. Archives of the RCIRZ, p. 3.

581 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on September 19, 2020, https://registri.fmbi.gov.ba/.

582 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

583 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

584 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2633. Archives of the RCIRZ.

585 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

586 Orić, *Srebrenica svjedoči i optužuje*, p. 213.

587 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on September 19, 2020, https://registri.fmbi.gov.ba/.

588 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

589 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

590 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2639, Archives of the RCIRZ.

ipality.[591] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 156 days. An inquiry into the ICMP registry showed that this person was reported as missing on 1 May 1992.[592] There is a notable discrepancy between the date of death listed in the RS Center's database and the date of death, that is, disappearance, listed in the ICMP registry. As it happens, it is possible that this person was reported as last seen by his family on 1 May 1992 and that the date of his death occurred somewhat later, which is the case here. If we compare the date of death with the number of days that this person had served in the ARBiH, we may posit that he was killed after 1 May 1992 and that 17 October 1992 is a likely date of death.

14. Malkić (Jusuf) Fadil, born 10 July 1966

According to RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[593] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[594] According to RS Center data, this person reportedly went missing on 12 December 1992 in Ružina Voda.[595] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 240 days.[596] An inquiry into the ICMP database showed that this person was reported as missing on 12 December 1992.[597]

15. Mandžić (Jusuf) Fahrudin, born 1964

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[598] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[599] According to the data from the list of combatants from the Srebrenica, Vlasenica, Bratunac and Zvornik municipalities who were killed in action, this person was killed on 19 March 1993 in Šehiti. He was buried on 19 March 1993.[600] The

591 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

592 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

593 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

594 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2619. Archives of the RCIRZ.

595 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

596 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on September 19, 2020, https://registri.fmbi.gov.ba/.

597 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

598 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

599 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2619. Archives of the RCIRZ.

600 Republic of Bosnia and Herzegovina, Srebrenica Municipality, Municipal Civil Protection Staff, Memo to the State Commission for Exchange of Prisoners of War, *Delivery of the list of missing persons from Srebrenica Municipality,* No. 04-752/94, May 26, 1994. Archives of the RCIRZ, p. 8.

Bosnian Book of the Dead states that this person died on 19 March 1993.[601] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 336 days. An inquiry into the ICMP database showed that this person was reported as missing on 19 March 1993.[602]

16. Nuhanović (Aljo) Mehmedalija, born 8 July 1968

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[603] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[604] According to the RS Center data, this person was reported as missing on 12 December 1992 in Han Pijesak.[605] The Bosnian Book of the Dead confirms the same information.[606] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 240 days.[607] An inquiry into the ICMP database showed that this person was reported as missing on 11 December 1992.[608]

17. Omerović (Suljo) Smajil, born 27 May 1965

According to RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[609] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[610] According to RS Center data, this person was killed on 28 May 1994 in Klotjevac.[611] The Bosnian Book of the Dead confirms the same information, as well as stating that he was a soldier.[612]

18. Rizvanović (Suljo) Maho, born 11 June 1953

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2006.[613] In addition, this person's name appears on the schedule of victim burials

601 Tokača, *Bosanska knjiga mrtvih: ljudski gubici u Bosni i Hercegovini 1991-1995,* p. 886.
602 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
603 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
604 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2624. Archives of the RCIRZ.
605 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
606 Tokača, *Bosanska knjiga mrtvih: ljudski gubici u Bosni i Hercegovini 1991-1995*, p. 928.
607 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on September 19, 2020, https://registri.fmbi.gov.ba/.
608 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
609 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
610 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2625. Archives of the RCIRZ.
611 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
612 Tokača, *Bosanska knjiga mrtvih: ljudski gubici u Bosni i Hercegovini 1991-1995*, p. 935.
613 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

at the Srebrenica Memorial Center for 11 July 2006.[614] According to the RS Center data, this person was reported as missing on 3 January 1993 in Glogova, Bratunac Municipality.[615] In the Bratunac Public Register, there is an entry for a person by the same name, surname, father's name and date of birth, who was killed on 3 January 1993 in Glogova. According to the list of persons exhumed and identified in the Bratunac Municipality, this person was killed on 3 January 1993.[616] According to the list of combatants from Glogova who were killed in action, this person was killed on 3 January 1993.[617] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 238 days.[618] An inquiry into the ICMP database showed that this person was reported as missing on 1 May 1992.[619] There is a notable discrepancy between the date of death in the RS Center's database and the date of death, that is, disappearance, in the ICMP registry. As it happens, it is possible that this person was reported as last seen by his family on 1 May 1992 and that the date of his death occurred somewhat later, which is the case here. If we compare the date of death with the number of days that this person had served in the ARBiH, we may posit that he was killed after 1 May 1992 and that 3 January 1993 is a likely date of death.

19. Salihović (Bekir) Mehmed, 08. 03. 1963.

According to RS Center data, this person was buried at the Srebrenica Memorial Center in 2006.[620] In addition, this person's name appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 2006.[621] According to the RS Center data, this person went missing on 12 June 1992 in Poznaovići, Srebrenica Municipality.[622] Naser Orić's book confirms that this person was killed on 12 June 1992 in Poznaovići, Srebrenica Municipality.[623] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 44 days. An inquiry into the ICMP database showed that this person was reported as missing on 12 June 1992.[624]

614 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2643. Archives of the RCIRZ.

615 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

616 List of exhumed/identified remains in the Bratunac Municipality, ICTY 06129452, Archives of the RCIRZ.

617 Spisak poginulih boraca Glogova [List of combatants from Glogova who were killed in action], ICTY 01787894, Archives of the RCIRZ.

618 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on September 19, 2020, https://registri.fmbi.gov.ba/.

619 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

620 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

621 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2643, Archives of the RCIRZ.

622 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

623 Orić, *Srebrenica svjedoči i optužuje*, p. 221.

624 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

20. Siručić (Hamed) Naser, born 8 March 1959

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[625] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[626] According to RS Center data, this person went missing on 12 December 1992 in Ružina Voda.[627] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 156 days.[628] An inquiry into the ICMP database showed that this person was reported as missing on 9 December 1992.[629]

21. Smjalović (Amil) Šukrija, born 1946

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2006.[630] In addition, this person's name appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 2006.[631] According to RS Center data, this person went missing on 2 May 1992 in Zvornik.[632] The ICRC list states that this person went missing on 2 May 1992 in Zvornik.[633] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 13 days. An inquiry into the ICMP database showed that this person was reported as missing on 2 May 1992.[634]

22. Suljagić (Demir) Suljo, born 20 July 1952

According to RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[635] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[636] According to RS Center data, this person was reported as missing on 24 December 1992 in Voljavica.[637] According to the Bratunac Registry of Deaths,

625 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
626 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2629. Archives of the RCIRZ.
627 Data on the Bosniaks who perished Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
628 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on 9 September 2020, https://registri.fmbi.gov.ba/.
629 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.
630 Data on the Bosniaks who perished Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
631 *Schedule of Srebrenica victim burials at the Srebrenica-Potočari Memorial Center for 11 July 2006*, ICTY 0554-2644, Archives of the RCIRZ.
632 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
633 ICRC, *Missing Persons on the Territory of Bosnia and Herzegovina*, 1998, p. 244.
634 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
635 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.
636 *List of victims to be buried at Potočari on 11 July 2005*, ICTY, 0554-2630. Archives of the RCIRZ.
637 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

a person by the same name, surname, father's name and date of birth was reported as killed on 24 December 1992 in Voljavica.[638] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 224 days.[639] An inquiry into the ICMP database showed that this person was reported as missing on 23 December 1992.[640]

23. Tuzlić (Avdo) Amir, born 17 January 1969

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2003.[641] In addition, this person's name appears on the list of identified remains buried at the Srebrenica Memorial Center on 31 March 2003.[642] According to the RS Center data, this person was reported as missing in Vlasenica on 1 June 1992.[643] This fact is corroborated by the list of persons missing from Vlasenica Municipality in 1992.[644] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 19 days.[645]

24. Halilović (Šaćir) Sead, born 18 November 1947

According to RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[646] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[647] According to the RS Center data, this person was reported as missing on 7 May 1995 in Srebrenica.[648] The same information appears in the Bosnian Book of the Dead.[649] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 979 days.[650] An inquiry into the ICMP registry, available for viewing

638 Archives of the RCIRZ.

639 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on 9 September 2020, https://registri.fmbi.gov.ba/.

640 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

641 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

642 *List of identified remains buried at the Srebrenica-Potočari Memorial Center on 31 March 2003, ICTY 0554-2689*, Srebreničke novine. Archives of the RCIRZ.

643 Data on the Bosniaks who perished in Podrinje 1991-1995. Data on Bosniaks killed in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

644 *List of non-Serb persons missing from the Vlasenica Municipality between 4 April 1992 and 31 December 1992 who were exhumed and identified*, ICTY 06865950. Archives of the RCIRZ.

645 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed on 9 September 2020, https://registri.fmbi.gov.ba/.

646 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

647 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2613. Archives of the RCIRZ.

648 Data on the Bosniaks who perished Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

649 Tokača, *Bosanska knjiga mrtvih: ljudski gubici u Bosni i Hercegovini 1991-1995*, p. 818.

650 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed September 9, 2020, https://registri.fmbi.gov.ba/.

on their official website, showed that this person was reported as missing on 7 May 1995.[651]

25. Hodžić (Muhamed) Salko, born 1959

According to the RS Center data, this person was buried at the Srebrenica Memorial Center in 2005.[652] In addition, this person's name appears on the list of remains planned for the fifth stage of burials at Potočari.[653] According to the RS Center's data, this person was reportedly killed on 15 March 1993 in Cerska.[654] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 345 days. An inquiry into the ICMP database showed that this person was reported as missing on 16 March 1993.[655]

26. Čamdžić (Juho) Šukrija, rođen 25. 01. 1966

According to the RS Center's data, this person was buried at the Srebrenica Memorial Center in 2006.[656] In addition, this person's name appears on the schedule of victim burials at the Srebrenica Memorial Center for 11 July 2006.[657] According to the RS Center's data, this person was reported as missing on 3 May 1992 in Skelani.[658] The website of the Federal Ministry for Veterans and Disabled Veterans of the Defense-Liberation/Patriotic War lists information on this person saying that he was a member of the ARBiH for 17 days.[659] An inquiry into the ICMP database showed that this person was reported as missing on 4 May 1992.[660]

6.10. Clearing the terrain after the breakthrough

Following the breakthrough, thousands of remains of ARBiH 28th Division members who had been killed were strewn all over the battlefield along the 80 kilometers or so that the column traveled. In order to prevent the spread of contagious diseases caused by decaying remains, the VRS cleared the battlefield according to standard procedure. Clearing the battlefield involved each unit locating and gathering human and animal remains in their zone of

651 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

652 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

653 *List of victims to be buried at Potočari on 11 July 2005*, ICTY 0554-2611. Archives of the RCIRZ.

654 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

655 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba..

656 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

657 *Schedule of Srebrenica victim burials at the Srebrenica – Potočari Memorial Center for 11 July 2006*, ICTY 0554-2636, Archives of the RCIRZ.

658 Data on the Bosniaks who perished in Podrinje 1991-1995. Source: Republika Srpska's Center for the Research of War and War Crimes and the Tracing of Missing Persons database.

659 Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Federal Ministry for Veterans and Disabled Veterans of the Defense-Patriotic War, accessed September 9, 2020, https://registri.fmbi.gov.ba/.

660 International Commission on Missing Persons, accessed September 8, 2020, https://oic.icmp.int/index.php?w=mp_details&l=ba.

responsibility and burying them, burning and removing anything that may pose a danger to the health of humans or animals, preventing the pollution of water, food, land and air, and taking precautionary measures to prevent the spread of contagious diseases among people and animals. The order to clear the battlefield was issued by General Ratko Mladić, chief of the VRS Main Staff, on 21 July 1995.[661] The order was issued immediately after a majority of ARBiH 28th division members had successfully crossed over to ARBiH-controlled territory.

The VRS Drina Corps also issued an order to all subordinate units at the corps level to clear the battlefield. The breakthrough area was under the command and responsibility of the Drina Corps.[662]

The Zvornik County Civil Protection Staff gave an order to clear the field[663] to all municipal civil protection staffs along the breakthrough route in the zones outside of combat operation.

Over the course of our research, we were not able to find any reports about the clearing process. However, eyewitness statements from breakthrough participants confirm that the clearing took place not only after the combat operations ceased, but also while they were ongoing, in particular on the Nova Kasaba – Konjević Polje road, where a large number of ARBiH 28th Division members were killed. Eyewitness Džemal Hasanović stated that the Serb forces had spent the night loading up the corpses from that area and driving off in an undetermined direction.[664] Breakthrough participant Kemal Mujić gave a statement to military security organs on 2 September 1995 detailing the burials of the deceased in the area of Đugum, near the Nova Kasaba – Konjević Polje road.[665] Breakthrough participant Idriz Suljić also testified to watching the remains of the dead being gathered from the asphalt road and loaded up on trucks, which left in the direction of Kravica.[666] Other eyewitnesses testified on the deaths of their fellow soldiers during the breakthrough, listing them by name. Most of those persons were later exhumed from primary or secondary burial sites.

The ICTY investigative team did not look into those statements or circumstances, even though it was within their mandate to do so. As a consequence of failing to conduct an investigation into the circumstances of death, the remains that were cleared away are considered by the ICTY to be victims of mass shootings, which is inconsistent with the facts.

661 General Ratko Mladić. *Order to normalize life and work in the Srebrenica Municipality* [orginal name: General Ratko Mladić. Naređenje o normalizaciji života i rada u opštini Srebrenica (cyr)], ICTY 02935598, July 21, 1995, Archives of the RCIRZ.

662 Colonel Lazar Aćamović, *Order to clear the field to all subordinate units at the Drina Corps Level* [original name: Pukovnik Lazar Aćimović, Naredjenje za asanaciju bojišta svim podčinjenim jedinicama na nivou DK (cyr)] No. 18-146/95, ICTY 04312687, July 20, 1995, Archives of the RCIRZ.

663 Zvornik County Civil Protection Staff [original name: Okružni štab Civilne zaštite Zvornik Zvornik County Civil Protection Staff], No. 03-137/95, July 21, 1995. Archives of the RCIRZ.

664 Bosnia and Herzegovina, Federation of Bosnia and Hercegovine, Federal Ministry of Defense, Security and Intelligence Affairs Sector, military secret, strictly confidential, *Documental cross-section data and findings on the scale of crimes against Bosniaks following the fall of Srebrenica* [original name: Bosna i Hercegovina, Federacija Bosne i Hercegovine, Federalno ministarstvo odbrane, Sektor sigurnosti i obavještajnih poslova, vojna tajna, strogo povjerljivo, Dokumentalistički presjek podataka i saznanja o razmjerama zločina nad Bošnjacima nakon pada Srebrenice], ICTY 01854396. Archives of the RCIRZ, p. 5.

665 Statement of Kemal Mujić.

666 Statement of Suljić Idriz [translated from BSH for the Commision], No. 01-06 77/95, ICTY 00442856, November 30, 1995. Archives of the RCIRZ.

7. Conclusions

The significance, weight and consequences of the events in Srebrenica in July 1995 merit special consideration. The core of this report focuses on the analysis of those events. It is a reconstruction of the events based on available sources. The report particularly focused on the aspects of the criminal investigation.

In terms of methodology, it was most important to determine which sources to rely upon in reconstructing the events. The top criterion we had established was that primary sources hold the most relevance to this research. Secondary sources were used to a lesser extent, and only where unavoidable. We followed the principle of using highly reliable documentation. Under that criterion, we consider that to be the documents created during or immediately following the events, or at least not very long after. The second criterion was to consider the source that filed the documents. The most relevant sources are those filed by the warring parties. Therefore, for the most part those are documents drafted by the military and civil security organs of the warring parties, or parties that observed the conflict and whose representatives had information from the scene at their disposal. The third and most important criterion was that the documents contain information on the events as sourced from the participants themselves. The report also used other relevant sources, including missing person databases.

An investigative team from the International Criminal Tribunal for the former Yugoslavia (ICTY) was in charge of conducting the criminal investigation. That team had an extraordinarily complex task. The investigation started in late July 1995. There are substantial arguments for taking a critical look at the work of that team. The investigative team was extremely limited in manpower, especially in the early years following the end of the war in Bosnia and Herzegovina. According to the investigative team chief Jean-René Ruez, it took until 1998 to actually form a team that could be charitably described as an "investigative team". The passing of time always has negative implications for gathering material evidence in a criminal investigation, and certainly firsthand evidence as well, especially where it concerns the personal testimonies of participants in the events.

Prior to elaborating on the key aspects of the investigation, it is first necessary to take a look at the work of the ICTY Prosecution investigative team, that is, at the scope of their mandate. The investigation was not concerned with determining the causes of the fall of the enclave nor with any events preceding 11 July 1995. Besides, according to the provisions of international humanitarian law, the investigation was not concerned with the military operations or the fate of combatants, but rather with the fates of noncombatants regardless of their prior membership in the army or lack thereof, that is, those who had no longer been in a position to fight. However, a significant number of participants in the column were killed in clashes, by stepping on anti-personnel mines, in mutual clashes, and by committing suicide. The position of those persons may not be equated to the fate of those captured. They were in a

position to fight, or did de facto fight back against the Serb forces, which had an overwhelming tactical advantage on the ground, in a military sense, despite having significantly less manpower than the Bosniak side. The ICTY Prosecution investigative team did not reflect upon those crucial facts, nor were they the subject of their investigation. That approach led to insufficient and incorrectly determined facts regarding the events connected to Srebrenica in July 1995.

The ICTY Prosecution investigative team's first task was to determine what happened in Srebrenica after the Serb forces entered the enclave. The eyewitnesses were the most reliable source of information. The investigative team did not conduct detailed interviews with those persons, but rather relied primarily on the support of the Bosniak police and AID, the Bosniak intelligence service, that is, the security services of one of the warring sides, to help them select key eyewitnesses.

The second task was to exhume burial sites and gather material evidence. A large part of the investigation dealt with locating and identifying missing persons. Court pathology experts examined the exhumed remains to determine a possible cause of death. Determining the perimortem circumstances, that is, whether the injuries were inflicted by shooting, in combat, or under different circumstances, is neither the jurisdiction nor the expertise of the court medicine experts, but rather of those conducting the criminal investigation.

The third investigative task was to find the persons responsible for perpetrating the crimes. To a large extent, the ICTY Prosecution investigative team gathered the information on the perpetrators from the transcripts of radio communications intercepted by the Army of the Republic of Bosnia and Herzegovina (ARBiH) during a military operation by the Army of the Republic of Srpska (VRS), codenamed "Krivaja-95". Following the official request from the ICTY Prosecution, the Bosniak side took an unreasonably long time (a year and four months) to produce the first transcripts of the conversations, and to a lesser extent, audio recordings, and even longer for the rest.

The investigation did not yield any possible reasoning for the delay in producing the transcripts, but it is possible to state that the party in question, participant in the conflict, was motivated to present its own version of events, and it can be assumed that it was possible to alter the content of the transcripts to suit the interests of one of the warring parties, specifically, the Bosniaks. The ICTY Prosecution investigative team did not verify the authenticity of the transcripts, but did use the transcripts as a highly reliable source in their investigation. The role of the participants on the ground and their responsibility as perpetrators of the crimes they were charged with and later convicted of by the ICTY was determined based on those transcripts (and the aforementioned eyewitnesses). A widely accepted discourse regarding the events surrounding the fall of Srebrenica was created largely based on the proceedings before the ICTY. No other possible sources of the intercepted communications were used, only those provided by one of the warring parties – the Army of the Republic of Bosnia and Herzegovina.

We shall begin the reconstruction of the events with a description of the happenings following the Serb forces entering Srebrenica on 11 July 1995. The Srebrenica enclave had been granted "safe area" status by UN Security Council Resolution no. 819 on 16 April 1993. The Resolution called for the safe area to be demilitarized, which was never carried out in practice. The ARBiH only surrendered a small fraction of their weapons to the United Nations Peacekeepers, while the VRS never withdrew their heavy artillery from the surroundings of the safe area.

Following the partial demilitarization, the 28th Division of the ARBiH 2nd Corps continued actively operating within the enclave. It is that formation that set off on the breakthrough towards Tuzla, an ARBiH-controlled territory, around 80 kilometers away from Srebrenica. The composition of the column and the events in the column during the breakthrough are an exceptionally significant aspect of the reconstruction of events. Also, it is extremely important in regard the ICTY Prosecution investigative team's mandate and the direction of their investigation in the Srebrenica case. No investigation of the events within the column was ever carried out, which is what we focused on in our reconstruction of the events.

Before elaborating on the nature of the column, we shall state the general demographic indicators in the Srebrenica enclave. According to the official records of the Bosnia and Herzegovina Statistical Office, the Srebrenica municipality had a total of 37,255 inhabitants in January 1994. Out of that number, there 9,791 inhabitants of Srebrenica, 10,756 persons dislocated from their homes within the Srebrenica municipality, and 16,708 persons exiled from other municipalities in Podrinje. The number of inhabitants of the enclave decreased as they moved out due to the adverse circumstances and the general social problems. There are no official records, but we may assume that the population of the enclave by July 1995 was around 35,500.

Following the fall of Srebrenica on 11 July 1995, around 23,000 civilians had gathered in the area in front of the United Nations peacekeeping mission in Potočari, and a certain number within the base itself. That group of civilians, mostly women, children and the elderly, were evacuated on request of the United Nations peacekeeping personnel and the representatives of the civilian population of Srebrenica. The evacuation took place on 12 and 13 July 1995, to Kladanj, an ARBiH-controlled territory.

In addition to the civilian population (women, children and the elderly), there was a certain number of able-bodied men in front of and inside the United Nations base in Potočari, seeking protection from the peacekeeping forces. A United Nations report listed 239 such persons, while 60 persons declined to identify themselves. An overwhelming majority of those persons were reported as missing – presumed killed by the Serb forces. We were able to determine that one of those persons was transported to the camp in Batković, and exchanged at a later date.

Based on those indicators, we may presume with great likelihood, considering the eyewitness testimonies, that the column breaking through towards Tuzla consisted of about 12,500 persons.

Based on an analysis of ARBiH documentations, we may conclude that the ARBiH 2nd Corps 28th Division had between 10,900 and 11,500 members by demilitarization in April 1993. The number of active service members of the division following the demilitarization has been estimated to be between 5,700 and 6,200.

After the demilitarization, the manpower reduced by nearly 5,000 was placed into a reserve force to be activated as needed, which is confirmed by ARBiH documents cited in this report.

After the Serb forces entered the enclave on 11 July 1995, the population of Srebrenica was evacuated in two large columns. One of the columns consisted of the ARBiH 2nd Corps 28th Division, including both active members and the reserve forces who had reported to a staging area in the villages of Šušnjari and Jaglići near Srebrenica, per 28th Division Command orders. The second column consisted of the civilian population including women, children, the elderly, and a certain number of able-bodied men who had sought protection from the United Nations peacekeeping forces. Relevant sources, primarily documents of the Republic of Bosnia and Herzegovina military and civil security bodies and ICTY documents, confirm the military status of the column.

The statements of the participants in the breakthrough taken by the BiH civil and military security bodies, cited in this report, detail the military nature of the column, the military status of the participants, the chain of command, the combat formation, the weapons, etc.

Eyewitnesses stated that the members of the military police along with the ARBiH 28th Division 281st Brigade commander Zulfo Tursunović prevented the able-bodied men and soldiers from arbitrarily leaving town on 11 July 1995. Also, eyewitness statements said that a military courier was going around the streets of Srebrenica with a message from the ARBiH 28th Division Command, that is, from the military leadership of the enclave, saying that all able-bodied and armed men shall set off to the staging area in the direction of the village of Šušnjari, through the woods, and all civilians shall go to the United Nations base in the village of Potočari.

Eyewitness statements confirm that two columns were formed, one headed for the United Nations base in Potočari, and the military column whose designated staging area for the breakthrough were the villages of Šušnjari and Jaglići. Combatants from neighboring villages surrounding Srebrenica joined them at the staging area.

During the night, around midnight between 11 and 12 July 1995, there was a lineup in the village of Šušnjari of brigades comprising the ARBiH 28th Division. According to statements of the participants, the breakthrough was planned in a house in that village immediately before the lineup, the route of travel towards Tuzla was agreed upon, as well as the marching order of the brigades comprising the ARBiH 28th Division.

The column consisted of able-bodied men who were active and reserve duty members of the ARBiH, who had been ordered to report to the staging area for the breakthrough towards Tuzla. Eyewitnesses stated that the men were 15 to 65 years old. They also stated that the column included a small number of women. Several were members of the ARBiH 28th Division, while others chose to follow their husbands, brothers and cousins through the woods because they didn't wish to be separated from them.

The military column was poorly equipped in terms of weaponry, and especially uniforms, since only a small number of soldiers owned uniforms. Most of the participants were carrying infantry weapons, hunting weapons, and explosives. A certain number of column participants were unarmed.

The front of the column began the breakthrough around 0100 hours on 11 July 1995. The remaining brigades followed shortly after, in a single-file column. The column was several kilometers long.

According to eyewitness statements, the rear of the column began the breakthrough in the area of Ravni Buljim on 12 July 1995 around 1200 hours.

The fighting along the line of the ARBiH 28th Division's breakthrough is an important aspect of the reconstruction of events. It is especially necessary to determine the circumstances surrounding the deaths of breakthrough participants. From the perspective of the criminal investigation, the circumstances of deaths during the breakthrough are crucially important. It is extremely relevant to determine the causes of death of a large number of column participants. The ICTY Prosecution investigative team did not focus on that aspect. The members of the military formation who died in military operations were regarded by the ICTY as persons unable to fight, which does not accurately reflect the facts.

The military formation of the ARBiH 28th Division included 6 light infantry brigades: 280th, 281st, 282nd, 283rd, 284th and 285th Brigades, and the 28th Independent Mountain Battalion.

The Serb forces engaged in the "Krivaja-95" military operation included units of the VRS Drina Corps (the Bratunac and Milići Brigades and the Skelani Independent Battalion) as well as forces from other VRS Drina Corps units from the Zvornik, Šekovići, Romanija and Vlasenica Brigades and the Republika Srpska Ministry of the Interior (MUP RS). The estimated strength of the Serb forces was around 4,000 men. There were clashes between the Serb forces and the ARBiH 28th Division along the entire route of movement. The battles were fought on VRS-controlled territory, with the VRS operating towards an enemy military formation moving across territory under its control.

In a cross-examination by prosecutor McCloskey while testifying as a witness in the proceedings against VRS General Ratko Mladić, the ICTY investigative team chief Jean Rene Ruez stated that the ARBiH 28th Division had barely suffered any casualties in the

breakthrough, seeing as most of the victims were civilians. He claimed that the 28th Division had a strength of 6,000 armed soldiers, and 6,000 soldiers had made it to Tuzla. This is obviously an erroneous claim based on unverified claims. The statements of ARBiH 28th Division members who participated in the breakthrough show that this claim is incorrect. We shall proceed to lay out the dynamics of the events during the breakthrough based on the statements of participants in the column.

Between the afternoon and midnight on 11 July 1995, ARBiH 28th Division members gathered in the area of the villages of Šušnjari and Jaglići. Following a lineup in brigades and receiving orders from the ARBiH 28th Division Command, units at the front of the column began the breakthrough towards Tuzla across Serb-controlled territory around 0100 hours on 12 July 1995.

> Keeping in mind that the rear of the column remained in the locality of Šušnjari/Jaglići until noon on 12 July 1995, the VRS spotted a section of the column in the area of Ravni Buljim in the early morning on 12 July 1995 and opened fire. According to eyewitness statements, 500 to 1,000 people were killed in that artillery attack.

Late in the afternoon on 12 July 1995, a section of the ARBiH 28th Division column was attacked in the area of the village of Šiljkovići. The ARBiH 28th Division suffered significant losses in manpower in that attack. As previously agreed, the village of Kamenica was chosen as a rally point for the ARBiH 28th Division, that is, a location where the front of the column would wait for the rear to catch up.

In the evening on 12 July 1995, brigades of the ARBiH 28th Division held another lineup in the area of the village of Kamenica. The VRS began an intense artillery attack on that same evening. According to eyewitness statements from ARBiH 28th Division members interviewed by military and civilian security services 2,000 to 3,000 persons were killed in that attack. In the evening on 12 July 1995, the ARBiH 28th Division Command made the decision that the 28th Division active duty service members should attempt to break through across the Nova Kasaba – Konjević Polje road. In accordance with that, the decision was that the ARBiH 28th Division reserve forces would remain in the Kamenica area and wait for the active duty forces to come back for them. The 28th Division 282nd Brigade commanded by Ibro Dudić[667] was left behind in that section of the column. That decision led to confrontations and mutual clashes among the ARBiH 28th Division ranks.

The VRS began an intense military operation in the afternoon and evening on 12 July 1995 in the area between the village of Mratinci and Konjević Polje. During the night between 12 and 13 July 1995, the ARBiH 28th Division members who were left behind in the Kamenica region against their wishes were fighting among themselves. Chaos and mass panic descended, fighting erupted between the village of Kamenica and Konjević Polje. Eye-

667 Brigade Commander Ibro Dudić was killed at that location in 1995.

witnesses stated that around 1,000 persons from the column lost their lives that night in that section of the route.

Early in the morning on 13 July 1995, between 0400 and 0800 hours, ARBiH 28th Division units crossed the Nova Kasaba – Konjević Polje road. Eyewitness statements estimate that the ARBiH 28th Division suffered 500 to 1,000 casualties while crossing the asphalt road.

The ARBiH 28th Division units attempted to cross the asphalt road in the area of the village of Sandići. Fighting erupted in the Sandići area. Despite the agreement that the front of the column would return for the rear, left behind in the Kamenica village area, that never happened. The rear of the column was abandoned and encircled by the Serb forces.

The VRS blocked the Nova Kasaba – Konjević Polje road between 0900 and 1500 hours on 13 July 1995. Several groups of persons from the column surrendered in the village of Sandići, and several more in Nova Kasaba.

The Command and several units of the ARBiH 28th Division successfully crossed the Nova Kasaba – Konjević Polje road between 0400 and 0800 hours on 13 July 1995. At the brigade lineup in Kamenica (Bratunačka Kamenica) the day before, 12 July 1995, it was decided that the next lineup would be in the locality of Udrč, 13 to 15 kilometers past the Nova Kasaba – Konjević Polje road. The unit lineup in Udrč would begin in the morning on 13 July 1995. A large section of the column was unable to cross the road and remained encircled by the Serb forces. The ARBiH 28th Division Command made the decision to send back part of their elite forces to help the encircled units cross. The Serb forces began an artillery attack against the ARBiH 28th Division in the Udrč area between 1500 and 1600 hours on 13 July 1995. The ARBiH 28th Division command amended the decision to have part of the forces go back for the encircled units, and gave the order that those units should continue the breakthrough towards Tuzla along with Command.

Fighting was ongoing in Liplje around 0700 hours on 14 July 1995. The same day, 14 July 1995, the ARBH 28th Division continued the breakthrough towards the villages of Snagovo and Marčići. Between 1400 and 2100 hours on 14 July, fighting was ongoing in the villages of Snagovo and Liplje, as well as along the route towards the village of Marčići. The same evening, 14 July, the ARBiH 28th Division and the VRS were engaged in intense fighting in the village of Marčići. In addition to infantry, the VRS used armored combat vehicles in those clashes. The ARBiH 28th Division suffered significant losses in manpower at that locality.

The fighting continued in the area of Križevačke Njive, specifically, the villages of Parlog, Pandurice and Baljkovica – a very short distance from one another. Large-scale clashes between the ARBiH 28th Division and the VRS took place in that area on 15 July 1995. ARBiH 28th Division members inflicted significant losses on the VRS. In that occasion, they obtained several tanks, "praga" cannons and trucks carrying weapons and military equipment. The fighting continued throughout that day and during the night on 16 July 1995. In

the meanwhile, the rest of the ARBiH 28th Division column that had made it across the Nova Kasaba – Konjević Polje road and linked up with the units at the front. Early in the morning, around 0400 to 0500 hours, following intense fighting and significant losses on both sides, the ARBiH 28th Division attempted to break through the last VRS line and break through to ARBiH-controlled territory. Keeping in mind how close the ARBiH-controlled territory was, ARBiH forces were operating against the VRS lines from the direction of Tuzla, providing backup for the ARBiH 28th Division breaking through VRS-controlled territory. In the meanwhile, the 28th Division was negotiating with the VRS Drina Corps Command. The line was breached shortly before 1300 hours on 16 July 1995, and an agreement had been reached in the meanwhile between the ARBiH 28th Division and the VRS to let the column pass through. The ARBiH 28th Division crossed over to Bosniak-controlled territory at Nezuk starting at 1300 hours and lasting through the evening. The ARBiH 28th Division column continued passing across the demarcation line until 1800 hours the following day 17 July 1995.

Most of the ARBiH 28th Division members carried out the breakthrough on 16 and 17 July 1995. However, smaller groups from the column were unable to get to ARBiH-controlled territory in that timeframe. Smaller groups of soldiers continued trying to break through in the following days. Some were successful, while others were captured by the Serb army and exchanged at a later date.

Groups of ARBiH 28th Division members who were left behind the front of the column in the days following the large armed clashes between the Snagovo region and the ARBiH-controlled territory encountered the bodies of those who died in the breakthrough.

Based on eyewitness statements, our estimate is that around 1,000 ARBiH 28th Division members were killed between the Nova Kasaba – Konjević Polje road and the breakthrough line near Nezuk, an ARBiH-controlled territory.

An important aspect in reconstructing the events, that is, in understanding what went down in the column during the breakthrough, has to do with the suicides, killings of other participants in the column, and the ARBiH 28th Division members who died in mutual clashes. Our research yielded findings, based on eyewitness statements from column participants – about two wider locations along the breakthrough line where the aforementioned events went down. The first location is before the Nova Kasaba – Konjević Polje road. Eyewitnesses testified about the mass panic that descended upon the column in the areas of Kamenica, Sandići, Pobuđe and Đugum as a consequence of an intense VRS artillery attack in the evening of 12 July 1995. The artillery attack on an area tightly packed with column participants caused mass panic, fear, and uncontrolled behavior. The eyewitnesses testified about suicides and killings of other participants in the column with hand grenades and firearms. In addition, in the chaos that ensued, a certain number of column participants decided to surrender to the Serb forces stationed along the road. Those circumstances led to the group dividing into those who wished to surrender and those categorically opposed to surrendering. The disagreement

resulted in mutual clashes, the largest of which occurred in the area of Bokčin Potok near the village of Sandići and the area of Đugum, immediately before crossing the Nova Kasaba – Konjević Polje road. A certain number of column participants surrendered to the Serb forces in those locations and were then transported to the Nova Kasaba football field as prisoners of war. This happened on 13 July 1995. As groups of soldiers were surrendering, detonations and gunfire from automatic weapons could be heard from the woods behind the road. The fighting that was taking place was among the members of the ARBiH 28th Division.

The following locality where mass suicides and killings of other participants in the column took place was the area after the Nova Kasaba – Konjević Polje road. More specifically, the locations in question are the areas of Križevačke Njive, Baljkovica and Pandurica, located near the demarcation lines, that is, the breakthrough line. Intense fighting took place in the evening and during the night between 15 and 16 July 1995. Those circumstances led to uncontrolled behavior by the ARBiH 28th Division members, which resulted in numerous suicides and killings of other participants in the column. Going from eyewitness statements, we estimate that several hundred persons died by suicide, by being killed by other column participants, and in mutual fighting along the entire breakthrough line.

> The key questions to answer regarding the reconstruction of events are how many ARBiH members were captured, and at which locations did that take place. The following crucial question has to do with the number of prisoners of war killed in mass shootings. Those two questions are closely connected, since the answer to the second depends on the answer to the first. The captured column participants were later shot and killed, and around two hundred were exchanged.

In order to obtain the answers to those questions, we must begin with the previously determined facts regarding the approximate number of persons that began the breakthrough. By relying on demographic analysis and eyewitness statements, we have determined that number to be around 12,500 persons. The primary question is concerning the number of casualties in July 1995. We considered the critical period between 11 and 19 July 1995 as the referential timeframe. Determining the time of death is crucially important. We used as a valid source for the analysis the ICMP[668] list of persons missing in the events of July 1995, used by the ICTY as the official list of missing or dead Bosniak population from the Srebrenica enclave. According to that list, the total number of missing/deceased persons is 7,692. That list includes the names of missing/deceased persons before, during and after the critical period between 11 and 19 July 1995. We have defined the critical period as the time between the fall of Srebrenica on 11 July and the time when most of the surviving column participants had successfully broken through to ARBiH-controlled territory on 19 July 1995. The breakthrough line from Baljkovica toward Nezuk was breached on 16 July 1995 and most of the ARBiH members who fought their way through crossed over to ARBiH-controlled

668 The International Committee for Missing Persons.

territory on 16 and 17 July 1995. Smaller groups continued breaking through to Nezuk in the following days, and a certain number of ARBiH members were captured during and after the breakthrough.

The ICMP list contains data on persons reported as missing, the date when and approximate location where they went missing. In practice, this list was compiled based on statements from relatives or close friends reporting the last location where they had seen the missing persons. The time of disappearance may not be interpreted as the determined time of death, but rather as the time the person was last seen alive. Based on that methodology, we may posit that the persons last seen alive prior to 11 July and after 19 July 1995 most likely died outside of the critical period.[669] Using this approach, we analyzed the data contained in the ICMP list and yielded a total of 6,674 names of persons who went missing/died inside the aforementioned critical period.[670] Keeping minimal discrepancies in mind, we may conclude with great likelihood that a total of 7,025 persons were reported as missing during the critical period following the fall of Srebrenica. Having the starting figure of approximately 7,000 missing/deceased persons in the critical period, we must now look at the estimates of deaths in combat, mutual clashes and suicides during the breakthrough in order to be able to determine an approximate number of those captured and shot.

Estimating the number of column participants killed in combat operations, mutual clashes and suicides is necessary to yield an approximate figure of persons who died in those circumstances.

The route of deaths during the breakthrough was divided into two dominant sections. The first section refers to the area between the location where the breakthrough started in the villages of Šušnjari and Jaglići up to the Nova Kasaba – Konjević Polje road. The second section is from the Nova Kasaba – Konjević Polje road up to Nezuk, that is, ARBiH-controlled territory. This split was exceptionally significant during the course of this research, as it was necessary to determine the approximate number of casualties in both sections of the route. That is extremely relevant for estimating the number of ARBiH members who were captured and then shot. Splitting the route into two sections is significant to determining the number of captured persons since mass captures took place in the first section of the route, between Šušnjari and Jaglići and the Nova Kasaba – Konjević Polje road. Next, it was necessary to investigate the precise locations where column participants surrendered. The investigation yielded two dominant locations. The first location is the village of Sandići, around 25 kilometers away from Srebrenica. The next location is Nova Kasaba area, around 36 kilometers away from Srebrenica. In order to determine the number of column participants who were captured and then shot, it was also necessary to determine the approximate number of those killed in both sections of the route.

669 Or there is evidence that they were killed prior to 11 July 1995.

670 The ICMP list contains 351 persons who went missing in July 1995, but without a precise day when they were last seen alive in July. Those 351 persons added to the 6,674 persons on the list is 7,025.

Going by estimated losses based on eyewitness statements from surviving participants in the breakthrough and ARBiH reports, we may state with great likelihood that 3,000-4,000 persons lost their lives in combat, mutual clashes and suicides in the first section of the route, that is, between the starting point of the breakthrough and the Nova Kasaba – Konjević Polje road. The most casualties happened in the areas of Bokčin Potok, Kameničko Brdo, and around Nova Kasaba.

In the second section of the route, from analyzing eyewitness statements we may state that around 1,000 people were killed in combat, including mutual killings and suicides. We estimate that 4,000-5,000 people were killed in combat and mutual clashes, including suicides, along the entire length of the breakthrough route.

In addition, when estimating the number of those captured and shot, we must consider the able-bodied men who did not join the column, but sought protection from United Nations peacekeepers in Potočari. The total figure is 299 able-bodied persons. Those persons were transported to the Vuk Karadžić Elementary School in Bratunac in the morning of 13 July 1995, and a large majority were executed in mass shootings in the days that followed. As previously stated, we have determined that one of those persons was taken to the Batković camp and later exchanged.

Now that we have an approximate figure of persons who went missing/were killed within the critical period (around 7,000), and on the other hand, estimates of casualties in combat and other circumstances (4,000-5,000 persons total), we may proceed to estimate the number of breakthrough participants who were captured. Based on the data we analyzed, our estimate is that the minimal figure of captured persons is 1,500-2,000, while the maximum is 2,500-3,000 persons. In order to determine the number of persons killed in mass shootings, we started with the assumption that the total number of captured breakthrough participants is the maximum number of persons who were shot. Apart from that, we must consider the fact that a certain number of prisoners were not shot, but rather exchanged at a later date.[671]

Breakthrough participants were captured in two locations. The first location is the village of Sandići, and the second is Nova Kasaba.

The choice of sources for estimating the number of ARBiH members captured in Sandići is limited. It mostly includes aerial footage of the area taken by a US Air Force U2 reconnaissance aircraft at 1400 hours on 13 July 1995. The aerial footage was analyzed by intelligence expert Cees Wiebes in his study entitled *Intelligence and the war in Bosnia 1992-1995: The role of the intelligence and security services*, which forms an integral part of the Dutch government's report on Srebrenica published by the Netherlands Institute for War Documentation (NIOD). In addition, we used eyewitness statements from column participants.

671 Having in mind a variety of different contexts it became clear that precise numbers of diverse manners of deaths could not be given, therefore, we tried to give as accurate estimates as possible.

We also relied on aerial footage by a US Air Force U2 reconnaissance aircraft showing the prisoners at the football field in Nova Kasaba in order to estimate the number of ARBiH 28th Division members who were captured n Nova Kasaba. We also used eyewitness statements regarding the number and location of the buses they had seen on 13 July 1995 that were used to transport the prisoners of war from Nova Kasaba to Bratunac.

An analysis of the aerial footage taken at 1400 hours on 13 July 1995, there were two groups of prisoners at a meadow in Sandići, 80 prisoners in one, 320 in the other. According to this source, the total number of prisoners is 400. Individual breakthrough participants from the column later offered their own estimates/opinions that around 1,000 members of the breakthrough column surrendered in Sandići.

According to the Wiebes study, the estimated number of captured persons based on the aerial footage from Konjević Polje includes one group of approximately 100 persons and another of approximately 500, which yields a total of 600 persons. Individual breakthrough participants from the column later offered their own estimates/opinions that the number of prisoners of war in Nova Kasaba was between 400 and 2,000.

In order to estimate the number of captured persons, we also used source material concerning the number of buses used to transport the prisoners of war to Bratunac. The prisoners were transported in the evening on 13 July 1995. According to eyewitness statements, the vehicles were parked in a single-file line on the left side of the street, on two streets directly near the Vuk Karadžić Elementary School in Bratunac. We have physically measured this space, and determined its total length to be 280 meters. Based on the length of that route, we may estimate the maximum number of vehicles, more precisely, buses and trucks used to transport the prisoners. The buses and trucks were not all the same size. It is our estimate that the maximum number of vehicles that could physically fit inside that space is 30, keeping in mind that the average length of a standard bus is 11-14 meters. The length of an articulated bus is around 18 meters, and the length of smaller trucks does not exceed the length of a standard bus.

Based on the estimated number and type of vehicles (maximum 30, minimum 15-20 vehicles), we may presume the average number of persons per vehicle to be 50-70, up to a maximum of 100. The minimum number of persons per bus would be 35-40. On that estimate, the number of prisoners of war transported in those vehicles falls between the low estimates of 1,500-2,000 and the high estimates, but does not in any case exceed the highest estimated figure of persons killed in mass shootings – which is 2,500-3,000 persons. According to the ICTY judgment in *Prosecutor v. Popović et al,* there were some situational killings while the prisoners of war were surrendering.

According to eyewitness statements, per orders from the VRS Command, in the afternoon and evening on 13 July 1995, the captured ARBiH 28th Division members were put inside objects where they could be guarded and secured through the night, and then taken to

other locations to be exchanged. However, as previously said, the majority of the prisoners of war died in mass shootings in the following days.

Mass killings of prisoners of war took place in several locations. The mass killings in the Bratunac Municipality took place in the early evening on 13 July 1995, those in the village of Kravica were provoked by an incident where a group of prisoners housed in the Agricultural Cooperative building stole a rifle from a guard and shot him dead with it, and wounded another. After that, the remaining guards opened fire from their weapons on several hundred prisoners of war, of which only a small number survived by fleeing the premises. It is evident that situational killings of captured individuals and/or groups occurred in that area on 13 or 14 July 1995, seeing as, for example, some of the remains found at the Cerska primary burial site had ligature marks. At the same time, there are statements from the interviewed military column participants stating that they had seen a large number of bodies of their fallen fellow soldiers at the location where this burial site was exhumed.

According to an eyewitness, prisoners from Bratunac were transported north towards Batković on 14 July 1995 – as expected. However, the convoy stopped and offloaded prisoners of war on five localities along the way (Orahovac/school in Grbavac, the Petkovci dam, the Kozluk gravel pit, Pilica, and the Branjevo Military Farm), all located along the Zvornik-Bijeljina regional road, from where they were taken to sites where they were later executed in mass shootings. The mass shootings at all of the locations and the mass graves are found directly near the local roads. We were unable to estimate the number of shooting victims per location. For that type of analysis, see the research conducted by the forensic-anthropological team, which is supposed to provide some answers to that question.

After the ARBiH 28th Division broke through the VRS line on 16 July 1995, most of the surviving combatants successfully crossed over to ARBiH-controlled territory over the following two days. However, a number of smaller groups was left behind on VRS-controlled territory, as they were unable to break through with the rest of the soldiers. In addition, after the fall of Srebrenica a number of 28th Division members crossed the border to the Republic of Serbia, across the Drina. Some of those were turned back to Serb-controlled territory. Those persons, along with others, were taken as prisoners of war to the Batković camp in the Bijeljina Municipality, while some of them were executed in certain cases, mostly by unknown individuals or groups. Also, some of the able-bodied men who had sought protection from the United Nations peacekeepers at the Potočari base were taken to the Batković camp, while others were taken to Bratunac. According to the trial judgment in *Prosecutor v. Popović et al,* there were situational killings of prisoners of war after the breakthrough.

> On 26 July 1995, the prisoners in Batković were logged into evidence by the International Red Cross, which was granted unlimited access to the camp. A total of around 185 prisoners were registered as prisoners of war at the Batković camp in the latter half of July 1995. The exchanges of prisoners of war at the Batković camp began in July 1995 and ended on 24 December 1995, at which time the camp was shut down.

No prisoner murders nor abuse took place at the Batković camp. According to eyewitness statements, the VRS members treated the prisoners humanely.

Estimating the losses incurred during the breakthrough is an important piece of reconstructing the events. The estimated population of Srebrenica in July 1995 was 35,500, out of which 23,000 civilians sought protection from the United Nations Dutch Battalion and later evacuated. The estimated number of participants in the breakthrough column is 12,500. According to ICMP and ICTY databases, the total number of persons missing or who perished in the events in Srebrenica is 7,692. The estimated surviving population of the enclave is around 27,800. Around 21.6% of the enclave population, including the population from several other municipalities in Podrinje, were killed in a variety of circumstances, combat, mass shootings, mutual clashes, suicides and other circumstances. The majority of the casualties were male (7,548, or 98.12%). The age structure of the missing column participants is 89% able-bodied population aged 16 to 60. That age limit corresponds to the order by the Srebrenica military authorities for men aged 16 to 60 to report to the staging area for the breakthrough. Only a small fraction of the total number of missing column participants were under the age of 16 (80 persons, or 1.04%). The breakthrough column included 701 (9.11%) persons over the age of 60.

According to time of disappearance, we split the missing into three groups: those who went missing within the critical period between 11 and 19 July, those who went missing outside of that period in July 1995, and those without a specified date of disappearance. An analysis of the data showed that most of the column participants were reported as missing within the critical period between 11 and 19 July 1995, a total of 6,674 (86.76%). According to the ICTY data, out of the total number of persons missing/killed in the breakthrough, 70.1% were ARBiH members. The ICTY did not include reserve force members in their estimate. The lowest estimate of those captured and shot is 1,500-2,000 persons, while the high estimate is 2,500-3,000 persons. As far as the estimate of persons killed in other circumstances (combat, mutual clashes, suicides), the low estimate is around 4,000 persons, while the high is 5,000. 7,692 active and reserve force members of the ARBiH 28th Division were killed in the "Krivaja-95" military operation, including the able-bodied men who were in Potočari on 11 July 1995, as well as those who joined this military formation on an ad hoc basis. The Serb side suffered the loss of at least 53 men in the "Krivaja-95" military action, not including the wounded and the missing, as well as losses of military technology and armored weaponry.

One of the key aspects of the investigation in the Srebrenica case involves determining the identities of the victims. The International Committee for Missing persons (ICMP) identifies the victims based on DNA. That list of missing persons was adopted by the ICTY as the official list of victims of war crimes. The ICMP list, that is, the ICTY Prosecution list, was amended in 2009 to exclude persons who potentially may have survived the events in Srebrenica, and one individual who was irrefutably confirmed to be alive. We would like to

point out that the updated list was published in 2009, that is, 14 years after the Srebrenica tragedy, which was an exceptionally long time period to verify the list in detail and exclude the survivors from it.

The aforementioned facts indicate severe oversights in ICTY Prosecution's work. Had the investigation been conducted according to the rules of the profession and had the circumstances of death been determined, the aforementioned oversights would not have occurred. However, this task was assigned to the ICMP, which deals in identifying victims based on DNA, and not with determining the cause of death. The ICMP is, essentially, a DNA lab, and its mandate did not include conducting an investigation, which led to imprecise and incorrect fact-finding concerning the events of July 1995.

In the course of this research, we conducted a partial check of the updated ICTY Prosecution list from 2009 and in that occasion, we determined that it contained an individual who cannot by any means be connected with the events following the fall of Srebrenica, seeing as that individual died in 1993. Also, we identified two persons whose personal information (name, surname, father's name, date of birth) is identical to that of persons found in the logs of the BiH Agency for Identification Documents, Registers and Data Exchange. Those persons may be considered as potential survivors, which requires further inquiry.

> Also, we conducted a partial check of the Srebrenica Memorial Center list of victims. Research showed a total of 36 names of individuals listed at the Memorial Center, who also appear in the logs of the BiH Agency for Identification Documents, Registers and Data Exchange after the war in Bosnia and Herzegovina ended. We compared names, surnames, father's names, and dates of birth. Those 36 names came back with a 100% match. In addition, we determined significant matching in the compared data for another 14 persons. The differences are mostly limited to a single character in a name or a surname. The aforementioned data indicates that those persons are likely living, and therefore cannot possibly have been victims of war surrounding the events in July 1995. We also uncovered other potential irregularities in the list which warrant further inspection.

A partial check of the lists found that 26 of the persons buried at the Srebrenica Memorial were killed prior to 1995, of whom only one had died in May 1995, and the others in 1992 and 1993.

After the breakthrough, thousands of remains of fallen ARBiH 28th Division members were strewn around the battleground in the length of about 80 kilometers along the route of the column. In order to prevent the spread of disease from the rotting corpses, the VRS cleaned the battleground according to standard procedure. General Ratko Mladić, chief of the VRS Main Staff, gave the order to clean it on 21 July 1995. The order was issued immediately after the majority of ARBiH 28th Division members had successfully crossed over to ARBiH-controlled territory.

The VRS Drina Corps also issued an order to all subordinate units at the corps level to clean the battlefield. The breakthrough route was located precisely in the Drina Corps area of responsibility.

On 21 July 1995, the Zvornik District Civil Protection Staff issued an order to municipal civil protection units to clean the field along the breakthrough route in the areas outside of combat operations.

Over the course of our research, we were unable to find any reports on carrying out the cleaning, only orders to do it. however, eyewitness statements from breakthrough participants confirm that the field was in fact cleaned not only after the combat operations ceased, but also while they were ongoing, particularly on the Nova Kasaba – Konjević Polje road, where a large number of ARBiH 28th Division members were killed. Other eyewitnesses gave testimony on the deaths of their fellow fighters during the breakthrough, listing them by name. A partial analysis showed that a number of those persons were later exhumed from primary or secondary burial sites.

The ICTY investigative team did not look into those statements or circumstances, even though it was within their mandate to do so. As a consequence of failing to conduct an investigation on the circumstances of death, the removed remains are listed by the ICTY as victims of mass shootings, which is inconsistent with the facts.

In our reconstruction of the events that followed after the Serb forces entered Srebrenica on 11 July 1995, we sought to objectively present facts heretofore less known or unknown to the general public. This research aims to contribute to better understanding and uncovering the truth about the tragic events surrounding Srebrenica.

Acronym List

Acronym	Definition
AID	Agency for Information and Documentation
AK-47	Kalashnikov
ARBIH	Army of the Republic of Bosnia and Herzegovina
Bbr	Mountain Brigade
BiH	Bosnia and Herzegovina
CIA	Central Intelligence Agency
CJB	Public Security Centre
DIV	Division
DNA	Deoxyribonucleic acid
DPZ	Social political community
IBLBR	East Bosnian Light Brigade
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
ICTY OTP/OTP ICTY	Office of the Prosecutor International Criminal Tribunal for the former Yugoslavia
IDDEEA	Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina
JMBG	Unique Master Citizen Number
JNA	Yugoslav People's Army
KAL	Caliber
LARV PVO	Light Artillery Platoon, Anti-Aircraft Defense
LC	Local community
LPČ	Light infantry troop
LRT/DU	Leadership Research Team/Demographics Unit
MBr	Motorized Brigade
MUP RS/ RS MoI	Ministry of Internal affairs of Republika Srpska
M53	Yugoslav copy of the MG42 machine gun
M-48/ MBT	Main battle tank
NATO	North Atlantic Treaty Organization
NIOD	Netherlands Institute for War Documentation

OG	Operational Group
OIZ	Islamic Community Organization
ONP	Operational-Educational Affairs
OS	Armed Forces Staff
PAP 52077	Semi-automatic rifle 52077
PEB	Anti – electronic warfare
PLC	Mass grave at the Branjevo Military Farm
RBIH	Republic of Bosnia and Herzegovina
RBIH MUP	Republic of Bosnia and Herzegovina Ministry of internal affairs
RBRO	Hand-held launcher of rocket "wasp"
RS	Republika Srpska
RS Center	Republika Srpska's Center for the Research of War, War Crimes and the Tracing of Missing Persons
SDB	State Security Service
SFRY	Socialist Federal Republic of Yugoslavia
SIGINT	Signals intelligence
SJB	Public Security Station
SO	Municipal assembly or municipality
SSS	Completed secondary education
SVB	Military Security Service
TAM	Maribor Automobile Factory
TO	Territorial Defense
ULT	Mobile multi-purpose construction machine
UN	United Nations
UNPROFOR	United Nations Protection Force
US	United States
VES	Military Occupational Specialties
VRS	Army of Republika Srpska
WW2	World War 2

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CHAPTER VI

Marija Đurić and Roger W. Byard

Srebrenica: Forensic Archaeology, Anthropology and Pathology

1. Summary

1.1. Introduction

This report represents an attempt to offer a comprehensive approach to the events related to the military fall of Srebrenica in July 1995 from the perspective of forensic anthropology, archaeology and pathology. Twenty-five years after the events in Srebrenica there are considerable tensions that go beyond the borders of Bosnia and Herzegovina, with ongoing disagreements about the number of victims, the manner in which they died, and the nature of the crimes that took place in this region. Thus, we have tried to evaluate the facts that underlie these ongoing debates and misunderstandings. It appears that the categorization of deaths in individuals found in the Srebrenica mass graves and the determination of the numbers of such deaths may need re-evaluation in the light of other possibilities.

1.2. Material and Methods

This study was mainly based on documents presented to the Hague Tribunal in the course of various court proceedings. The Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons assisted in sourcing and providing additional materials. The study was limited in part because some of the original documents were not available to the commission.

The first aim of the study was to analyze two important issues: the total number of people who died in the Srebrenica region during July 1995, and the number of Muslims who were systematically executed by Serbian forces.[1] These issues have been previously

1 The term "systematically executed" in this report is used in the sense used by the Hague Tribunal in its indictments and verdicts and refers to the mass executions of prisoners. Without entering into the

addressed: demographic analyses performed during The Hague Tribunal trials, analyses of witness statements and analyses of mass grave excavation reports, including the autopsy findings. Lists of missing persons, ICMP lists of identified individuals, certificates of death and PIP databases were crucial for the analysis of the number of deceased individuals, the place of their disappearance, the causes of death, and the location(s) where the bodies had been excavated. On the assumption that primary mass graves contain exclusively the remains of victims of mass executions we analyzed reports from their excavations, aerial imagery and grave dimensions, as well as possible connections between execution sites and secondary graves, all in order to estimate the capacities of those graves and the maximum number of individuals that could be buried therein. The creation of secondary, clandestine graves in order to conceal the bodies of systematically executed individuals drew special attention. Archaeo-forensic spatial analyses, review of the distribution of the bodies, evaluation of the degree of fragmentation of the remains, tracing of DNA connections, analyses of the causes of death and other information suggested that the graves designated as secondary were not *sensu stricto* such, but likely also contained bodies from contexts other than mass execution.

Further investigation of this issue led to the creation of geo-referenced detailed maps of the surface remains, small graves, and areas of heavy combat during the breakthrough of the ARBiH 28th division, from Srebrenica to Tuzla. Analyses of casualties on both Bosniak (Muslim) and Serbian sides and the military context and information collected from the police investigations additionally helped in clarifying the events from the summer of 1995.

1.3. Results and Conclusions

In reconstructing events related to Srebrenica in 1995, an important topic, also from the viewpoint of forensic archaeology, anthropology and pathology, is the number of decedents. It is clear from documents related to the fall of Srebrenica that it is not easy to get accurate data. One of the main institutions dealing with this issue for many years has been the International Criminal Tribunal for the former Yugoslavia (ICTY), established in 1993. Over the ensuing years the Court has prosecuted predominately Serbs accused of committing war crimes in Bosnia and Herzegovina, with accusations of genocide initially based on an accepted number of nearly 8,000 systematically executed persons. Demographers from the ICTY have explained in detail the main sources used for creating the list of missing persons (7,692) related to the events in Srebrenica, as well as the methodology used to calculate the number of Srebrenica-related victims, including the ratio between deceased individuals and the size of the population living in Srebrenica before the war. However, some scholars have strongly criticized the applied methodology, final results, and the ICTY experts' interpretations (see below).

categorization and qualification of crimes in this part of the report, the term "systematically executed" has been adopted to make a clear evaluation of all forensic reports that have dealt with excavations and analysis of mass graves in previous years.

Regarding the demographic structure of those who died related to the fall of Srebrenica, it was confirmed that almost the entire population were Muslim and male, predominantly young. In the 2009 integrated report of the ICTY Demographic unit, out of 7,692 missing or dead individuals, 0.9% were women, 99.1% were males, with 0.3% boys aged from 10 to 14 years and 1.9% elders, aged over 70 years. A less clear issue relates to the proportion of military personnel among the victims, and the contribution of military losses in the interpretation of the deaths. The total number of matches between ARBiH records and the OTP list is 5,371; the ICMP via DNA analyses has identified 3,438 individuals from the BiH Army records as being on the OTP list. Another issue requiring attention is whether active troops, together with the ARBiH 28th Division reserve forces, who intended to reach Tuzla from Srebrenica in July 1995, were engaged in military action, or whether they were simply "men (who – sic) tried to escape the area by walking through the forest", as has been cited in many ICTY reports. Although certain documents do indicate that some individuals were "on assignment", regardless of the nature of the engagement of the ARBiH military staff in Srebrenica (official or non-official) and the quality of their military training and the possession of standard equipment (weapons, footwear and uniforms), the basic question remains: how did they die, and particularly were they all systematically executed as has been generally accepted?

In the ICTY summary reports starting from 2009, the deaths of all persons identified by DNA in "Srebrenica-related mass and other graves" were attributed to mass executions at Kravica and others, Orahovac, Petkovci Dam, Kozluk, and Branjevo/Pilica; all accounting for 6,849 of identified victims in 2013, including the so-called unique Srebrenica-related DNA profiles which have not been matched to missing persons. We have analyzed these connections and found that the total DNA connection cases represent 871 individuals found in two or more locations. Out of these 871, one DNA connection between the execution point (blood stains on an inner wall of the Kravica warehouse) and a secondary mass grave (a case of remains at Zeleni Jadar 2) is very suggestive that the person had been executed. However, only 386 cases represented direct relations between primary and secondary graves, while the majority of DNA connections only provided links between different secondary sites. Unfortunately, these results, based on genetic identification, are insufficient to provide accurate forensic evidence on the number of executed individuals.

Since all systematically shot individuals were initially inhumed in primary graves, analysis of robbed (removed from a primary burial site and reinterred) primary mass graves (at Glogova, Branjevo, Petkovci, Lažete, and Kozluk) and undisturbed graves was performed from the viewpoint of forensic archaeology, in order to estimate the maximum number of individuals that could have possibly been buried in those graves. Our analysis suggests that the largest number that the primary graves could contain cannot be more than 3,715 individuals. Bearing in mind that the estimated maximum number of individuals (3,715) buried in all primary graves could be taken as accurate only in the case that the grave pits have been used

in their totality – with no empty space between the bodies, it is likely to expect that the real number of buried was significantly less than that.

The total number of remaining individuals in primary graves after robbing and those individuals in non-robbed primary graves was 1,772, so, according to our analysis, it could be expected that a maximum of 1,943 individuals have been relocated from primary into secondary graves provided that the spaces in the primary graves were maximally filled with bodies. However, the total number of individuals buried and identified in secondary mass graves, according to the ICMP List of DNA Matching reports from 2013, was 4,114 (or, after Janc, 2013 – 4,213).[2] It indicates that approximately 2,171 (or, after Janc, 2013 – 2,270)[3] bodies from those graves came from alternative contexts, other than systematic execution.

A large number of bodies were found outside the context of major primary and secondary mass graves. After thorough analysis, excluding individuals who died before July 1995 in totally different parts of BiH, Serbia or Croatia, we concluded that a conservative estimate of individuals found as surface remains could be higher than the 756 identified by DNA, as presented by the ICTY in 2013; i.e. an additional 162 individuals in the "Pobuđe area", 55 individuals in the "Baljkovica area", and 25 individuals in the "Snagovo area" account for at least 999 persons.[4] Another category of victims is represented by those found in individual graves, and some small group grave sites. So far, more than 30 such gravesites are known, with an approximate number of individuals between 170 and 200. Our complex forensic analysis demonstrated that at least 8 individual graves should be included, compared to 15 listed in the OTP 2013 Update, as well as a minimum 25 individuals more than was found in small group graves. Together with surface finds these individual and small graves contain a minimum number of 1,047 individuals.

One of the important categories of victims from the events in Srebrenica during July 1995 relates to a series of ambushes and armed combats during the military breakthrough by the Muslims (more than ten thousand people were in the column composed partly of members of active and reserve forces of the ARBiH 28th Division), who left Srebrenica and intended to reach Tuzla in mid-July 1995. There are numerous documents describing the actions of the Republika Srpska Army (RSA) forces trying to prevent Muslims from getting to Tuzla. Some documents cite RSA losses, with many eye-witness accounts on the effects of the shelling of the column and the resultant deaths of Muslims fleeing during the breakthrough. However, the essential answer to the question of how many people were killed during combat is still unknown. There are several forensic indications of connections between the deaths of those people and surface finds/cases that were later discovered in the same area.

2 Dusan Janc, *Srebrenica Investigation. Update to the summary of forensic evidence – exhumation of the graves and surface remains. Recoveries related to Srebrenica June 2013* (hereinafter: Janc, *Update 2013)*, Formal OTP report of former ICTY-OTP investigator to the ICTY (The Hague: ICTY, 2013), pp. X024-0773–X024-0774.

3 Janc, *Update 2013.*

4 This micro-regional division, according to which all surface finds of human remains are grouped, as well as those from individual and small group graves, was made by Dušan Janc (Janc, Update 2013, p. X024-0773).

The number of individuals who disappeared "in the forest" at places which the Muslim troops passed through (such as Buljim, Bokčin Potok, Kravica, Mratinci, Kamenica, Udrč, Snagovo, Baljkovica etc. which includes "forest areas") is considerable. The place of disappearance, of course, does not necessarily mean that a person died at that location, however evidence that 3,000 people had disappeared in the vicinity of combat lines stimulated us to do spatial analyses, starting from simple mapping of the discovered surface cases as a foundation, and then adding on another layer of the geographically reconstructed route, i.e. the course of the breakthrough from Srebrenica to Tuzla. This provides a spatial pattern showing that the majority of surface finds were discovered in the direct line of the breakthrough and/or in its vicinity.

Information about the cause of death in pathology reports is somewhat limited because of soft tissue decomposition at the time of autopsy and so it is not always useful in attempting to discern the combat/non-combat status of the decedents, or the manner or particular circumstances of the deaths, even if evidence of gunshot injuries is present. However, it is not unreasonable to suggest that the presence of shrapnel or blast injuries implies that a certain number of individuals died in combat. Analysis of the cause of death cited in the Excel database produced by the Podrinje Identification Project (PIP) in 2015 which contains the records of 5,450 identified individuals, demonstrated that in 301 cases wounds from explosive weapons were mentioned as a possible cause of death. The highest concentration of individuals with explosive wounds was found in secondary grave sites of Čančari Road (villages from Kamenica to Čančari, municipality of Zvornik) – 122, followed by Liplje – 29 individuals. These graves, together with the locations of surface remains (57 individuals) follow the spatial pattern of the breakthrough line and combat areas, which all suggests that those individuals died in a combat situation.

Analysis of the state of preservation and completeness of skeletal remains in the secondary graves demonstrated that some secondary graves have an unusually high level of body disarticulation and scattering of body parts. Since all shared similar characteristics and histories (location and time of creation, use of heavy machinery for digging, robbing and relocating the bodies, similar archaeological methods of excavation, etc.) uniform level of body fragmentation is not unexpected. However, the level of fragmentation of skeletal remains (expressed as a quantitative relationship between largely complete bodies and non-associated body parts) demonstrated significant differences among the graves. Unusually, commingled bones in sites with the highest fragmentation and scattering of the remains were mostly from Liplje, Zeleni Jadar and Čančari Road assemblages. These sites could contain individuals who died in combat actions from heavy weapons, as the level of disarticulation in these graves does not correspond to the typical disarticulation ratio found in secondary graves as a result of subsequent body handling.

In addition to the evidence indicating that surface finds, small graves and some of the secondary graves contain the remains of individuals who died in combat circumstances, there is further evidence that some secondary graves contained the comingled remains of individuals who died in a variety of different contexts. Several examples illustrate that individuals who died at other times and in different contexts were buried together in the same mass grave (Blječeva 1 with bodies from war events from 1992, Zalazje 1 with Serbian victims from 1992). Several secondary graves (such as Čančari or Zeleni Jadar) contain body parts connected directly to surface remains from Pobuđe near Bratunac or the Baljkovica area, indicating that they had not been relocated from primary graves but most likely died during the breakthrough. Finally, some remains have unique DNA profiles which have not yet been matched to missing persons, and the remains of nearly 1,000 victims cited in the Srebrenica-related list of missing persons have never been found.

All of this demonstrates the many questions that still exist regarding the number of people systematically executed, the number of those who died in combat and the number of deaths which occurred in other contexts in the summer of 1995 and before that time.

2. Report

2.1.1. How Did the Deaths Occur? There is Disagreement on the Numbers and Causes of the Deaths

There is considerable public debate on web sites, social networks, newspapers, television programs, and in books and conferences concerning the number of Muslim victims killed following the fall of Srebrenica. The question is complex because no clear and agreed-upon evidence has ever been presented to the public. The most influential conclusion about this issue was formulated by the United Nations (UN) International Criminal Tribunal for the Former Yugoslavia (ICTY), dealing with the fate of approximately 8,000 individuals. While this number has generally been accepted by Muslims (Bosniaks), many Serbian politicians, scholars and journalists considers that the number may have been exaggerated and estimate that fewer victims died, and that not all of the deaths were executions.

2.1.2. Background

In July 1995 military action in the northeast part of Bosnia and Middle Podrinje region between Serbian and Muslim troops resulted in multiple casualties. These also involved civilians particularly on the Bosniak side. While the deaths of Bosniaks in Srebrenica have been called “the largest single war crime in Europe since World War II” involving the expulsion of 23,000 Bosniak women and children and the capture and execution of

"thousands of Muslim men",[5] alternative hypotheses have been proposed. Specifically, it has been suggested that a number of the bodies found in mass graves were Bosniak men from, and associated with, the 28th Division of the ARBiH (Army of the Republic of Bosnia and Herzegovina) who were involved in armed conflict with soldiers of the BSA (Bosnian Serb Army, or RSA – Republika Srpska Army) following the opening of a breach between Serbian forces that enabled a retreat from Srebrenica to Tuzla.[6] As noted, there is not even agreement on the exact numbers of individuals killed.[7]

Following this conflict, a number of mass graves were identified along the route to Tuzla, with subsequent excavations revealing thousands of bodies.

Could re-evaluation of the evidence assist in determining whether the bodies in the graves were all Muslim civilian men and boys who had been executed by Serbian forces (as is commonly believed), were combatants, were a mixture of both, or whether this is just not determinable? This paper has utilized published primary and secondary sources given the difficulty of accessing all primary reports and witness statements.

2.1.3. Possibilities

There are reliable eye witness accounts which corroborate the assertion that Serbian forces executed Bosniak civilian and military prisoners, particularly after the fall of Srebrenica.[8] During transfer after capture it has been estimated that approximately 3,000 Bosniak prisoners were killed by their Serbian captors and the bodies interred in mass graves.[9]

This does not, however, account for the remaining ~5,000 other bodies in the graves. Of the approximately 12,000 armed and unarmed Bosniak troops and men who left Srebrenica, the United Nations (UN) estimates that only 8,000 reached Tuzla,[10] a shortfall of 4,000 that was noted by Colonel Brantz who was serving with the Dutch battalion (Dutchbat) at the time.[11] Other estimates range from 7,000 missing Muslim men,[12] to at least 7,475.[13]

5 Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (New York, New York: Penguin Books, 1996); David Rohde, *Endgame: The betrayal and fall of Srebrenica, Europe's worst massacre since World War II*. New York, New York: Penguin Books, 2012.

6 Dusan Pavlovic, *Battle for Srebrenica – War for Civilization* (Banja Luka: Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2018); Netherlands Institute for War Documentation - NIOD (hereinafter: NIOD) *Srebrenica Report*, (The Hague: NIOD, 2002), accessed October 20, 2019, https://www.niod.nl/en/srebrenica-report/report.

7 Melanie Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves", *Sci Justice* 56, no. 6 (2016).

8 Rohde, *Endgame: The betrayal and fall of Srebrenica, Europe's worst massacre since World War II*

9 Pavlovic, *Battle for Srebrenica – War for Civilization.*

10 NIOD*, Srebrenica Report*.

11 Honig and Both, *Srebrenica: Record of a War Crime*.

12 Craig Evan Pollack, "Intentions of burial: mourning, politics, and memorials following the massacre at Srebrenica", *Death Studies* 27, no. 2 (2003).

13 Helge Brunborg, Torkild Hovde Lyngstad and Henrik Urdal, "Accounting for genocide: how many were killed in Srebrenica?", *European Journal of Population* 19, no. 3 (2003).

There are numerous estimations regarding the number of people who died during the breakthrough from Srebrenica to Tuzla. Below are some of them:

> In five days of massacres, Mladić had arranged for the methodical execution of more than three thousand men who had stayed behind and become prisoners of war. And probably more than four thousand people had lost their lives in a week of brutal ambushes and fighting in the forests, by the roadside and in the valleys between Srebrenica and the Tuzla district, as the column was trying to reach safety.[14]

> …The men interviewed estimated that up to 3,000 of the 12,000 to 15,000 in the column had either been killed during combat with the BSA (Bosnian Serb Army) or when crossing over mines...[15]

> …between 1,000 and 2,000 people from the column killed in combat engagements 'sounds reasonable'...[16]

It has certainly been documented that additional Bosniak detainees were executed after capture along the way to Tuzla.[17] However, other deaths may have arisen from a variety of circumstances. Clearly some of the deaths appear from eye witness accounts to have been caused by military action with the Serbian army, in ambushes or during direct contact. The Serbian troops lining the breach had small arms, grenades, artillery and tanks, and had deployed snipers and land mines. Many descriptions from Bosniak troops describe piles of damaged and decomposing bodies.[18]

The retreat from Srebrenica was also chaotic with Bosniak troops and civilians not having a clear understanding of where their own or Serbian soldiers were deployed. This resulted in a number of deaths from so-called "friendly fire" when Bosniaks opened fire on their own men especially during the nights. These errors in judgement may have been exacerbated by exhaustion, fear, hunger and thirst, lack of adequate intelligence and in some cases hallucinations (the reasons for the latter remain unclear, although there is no evidence that Serbian forces used combat gases as has been suggested).[19] While Honig considers that most of the Bosniaks were executed, he does report that "In some cases, men killed other men whom they did not recognize and suspected of being Serbs,"[20] i.e. that at least some of the Bosniak dead were killed by their own men/troops in a combat setting. This fear was exacerbated by the belief that Serbs had disguised themselves as Bosniaks and had infiltrated the column.[21]

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14 Carl Bildt, *Peace Journey: The struggle for peace in Bosnia* (London: Weidenfeld and Nicolson. 1998), p. 66.
15 United Nations. *Report of the Secretary-General pursuant to General Assembly resolution 53/35 The fall of Srebrenica*, A/54/549 (15 November 1999), para. 387.
16 ICTY, *Richard Butler, the ICTY prosecutor's military expert – OTP,* Popovic trial transcript, January 23, 2008, p. 20251, accessed July 16, 2019, https://www.icty.org/x/cases/popovic/trans/en/080123ED.htm.
17 Honig and Both, *Srebrenica: Record of a War Crime*.
18 Pavlovic, *Battle for Srebrenica – War for Civilization.*
19 NIOD, *Srebrenica Report.*
20 Honig and Both, *Srebrenica: Record of a War Crime*.
21 Rohde, *Endgame: The betrayal and fall of Srebrenica, Europe's worst massacre since World War II*

Deaths from "friendly fire" have also been reported where deliberate killing of fellow soldiers occurred that was initiated by pre-existing local feuds, individual disputes over matters unrelated to combat, or as punishment or a deterrent for attempts or proposals to surrender.[22] Again Honig noted that "Dutch soldiers saw fighting breaking out amongst Bosnian soldiers", i.e. implying again that at least some of the deaths may have been due to internal conflict.[23] These killings could have been accomplished with small arms or grenades. Distinguishing these deaths from ones caused by Serbian fire is simply not possible given the available archived information.

Suicides were also reported in troops and civilians who preferred to take that option rather than risk capture by Serbian forces. Again Honig appears to be acknowledging causes of death other than executions: "Others could see no way out and committed suicide", and "Some men lost their nerve and committed suicide."[24] This sometimes involved group or individual suicides with hand grenades, or individual suicides with hand guns or rifles. Rohde quotes a Bosniak eyewitness stating that outside Nova Kasaba he saw "more and more dead soldiers" (not civilians) and "thought he'd seen as many as thirty-five with no chests or heads, having killed themselves with hand grenades or pistols."[25] The actual number of suicides remains unclear.

Other possibilities are that some of the bodies may have been from conflicts predating Srebrenica 1995 and were the results of secondary burials, or were unrelated to that particular military action.[26] The lack of reliability of information is exemplified in one instance where some of the victims from a mass grave had been seen alive weeks after the alleged group execution.[27] The International Criminal Tribunal for the former Yugoslavia also found inconsistencies in the number of victims, and in the times and places of their disappearances, in almost a third of cases from one grave.[28] It is obvious that many questions remain unanswered: for example, why are all of the bodies in the mass graves the results of "brutal executions"; how was it determined that the "majority died violent deaths in non-combatant circumstances"; if all of the bodies in the mass graves between Srebrenica and Tuzla represent executed civilians what happened to the soldiers killed along the road due to military action by the Serbian/Bosniaks armies during the breach; and how have categories other than execution been excluded as causes of death?

Even The Hague Tribunal noticed that "it is not taking into account in its calculation the number of Muslim killed in combat, those who committed suicide or those who were killed in skirmishes with other Muslims."[29] Elaborating Tolimir's guilt, judge Prisca Matimba

22 Pavlovic, *Battle for Srebrenica – War for Civilization.*
23 Honig and Both, *Srebrenica: Record of a War Crime.*
24 Honig and Both, *Srebrenica: Record of a War Crime.*
25 Rohde, *Endgame: The betrayal and fall of Srebrenica, Europe's worst massacre since World War II.*
26 Roger W. Byard, "Jasenovac." *Medicine, Science and the Law*, July 2002, doi:10.1177/0025802420940894.
27 Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves".
28 Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves".
29 *Prosecutor v. Zdravko Tolimir,* Case No. ICTY IT-05-88/2-T, Judgement, 12 December, 2012, para. 592–

Nyambe, in her comments about the fact that "7,000 or 8,000 Muslims were systematically killed", has criticized the "Trial Chamber which, after extensive work on this issue, estimated the real number of those killed at 5,749", stated in paragraph 596 of its Judgement."[30] Later, this fact was not admitted by the court.[31] In any case, The Hague Court maintained its opinion on the number of systematic killings, made in the very first trial, in 2001:

> …Between 13 and 19 July 1995, as many as 7,000 to 8,000 men were systematically murdered or killed in mass executions …[32]

And this formulated a narrative that became generally accepted.

It appears that the categorization of deaths in individuals found in these mass graves, and the determination of the numbers of such deaths, may need re-evaluation in the light of other possibilities. However, given the available information it may simply not be possible to determine the precise percentages of deaths in each category. It has in fact been stated with respect to the executions that "We will never know how many men were killed exactly".[33]

2.1.4. Specific Issues

Issues which complicate the pathological/anthropological evaluation of the bodies include:

1. fragmentation from artillery, tank fire, grenades and mines, and also from heavy machinery used to clear them off the road and out of buildings for burial;
2. decomposition, distortion and obliteration of potentially lethal, particularly soft tissue, injuries;
3. secondary burials (i.e. disinterment from a primary burial site and reburying) resulting in even more commingling and confusion;
4. post-mortem injuries to bodies from enemy and friendly fire making identification and assessment of the significance of ante mortem injuries difficult (this also included damage to bodies that were being used as barricades);
5. distinguishing between executions, combat deaths and suicides, all from grenades, mines and small arms;[34]

594, accessed July 16, 2019, https://www.icty.org/x/cases/tolimir/tjug/en/121212.pdf.

30 *Prosecutor vs. Zdravko Tolimir,* Judgement, para. 596

31 ICTY, *Separate and Partly Dissenting Opinion of Judge Antonetti,* IT-05-88/2-A, 141/2054 BIS, (The Hague: ICTY, July 14, 2015), accessed July 16, 2020, https://www.icty.org/x/cases/tolimir/acjug/en/150714.pdf.

32 *Prosecutor v. Radislav Krstic,* Case No. ICTY IT-98-33-T, Judgement, August 2, 2001 (hereinafter: *Prosecutor v. Radislav Krstic,* Judgement), accessed April 20, 2019, https://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf.

33 Honig and Both, *Srebrenica. Record of a War Crime*.

34 Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves"; Debra Komar,

Obviously in cases where bodies were found with blindfolds, gags and ligatures, or with typical execution-type injuries such as single bullet wounds to the occiput the evidence points very strongly to executions.[35] However, pathology/anthropology is often not useful in distinguishing an execution from a death during combat, and so it has been stated that, although crucial in some cases, in others the "scientific evidence was only ever one part of the overall case."[36] This has not precluded investigators confidently concluding that skeletal injuries found at exhumation were "consistent with these individuals being lined up and shot."[37] Surely, individually the reported injuries could also be consistent with being shot in a combat situation? De la Grandmaison made a relevant point when he noted that the distinction between those who were executed or killed in combat in a mass grave "is often very difficult."[38]

The possibility of confirmation bias (seeing what you expect to see)[39] might also explain some of the conclusions of pathologists if they were informed prior to post mortem examinations that the bodies were all executed civilians who were victims of war crimes.[40] The absence of military uniforms and weapons might then be misinterpreted as indicating civilian status rather than identifying them as non-uniformed irregular or reserve troops whose weapons had been either lost or removed prior to burial by Serbian forces. However, as de la Grandmaison also noted, civilian status does not preclude involvement in acts of war.[41] Autopsy reports are on occasion sometimes quite brief with no detailed documentation of individual injuries, again complicating retrospective assessments. It has been pointed out that pathologists have to be aware of the limitations of medicolegal investigations of mass graves given their complexity, and that a lack of knowledge of particular circumstances in wars may lead to "wrong or improper interpretations."[42]

"Lessons from Srebrenica: the contributions and limitations of physical anthropology in identifying victims of war crimes", *J Forensic Sci* 48, (2003).

35 Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves"; Tanja Hollmann, Roger W. Byard and Michael Tsokos, "The processing of human bones found in Berlin, Germany", *J Forensic Leg Med* 15, no. 7 (2008).

36 John Clark, "Conflicts, crimes and capacity", *Bull Roy CollPathol* 187, (2019).

37 Tal Simmons, *Forensic Monitoring Project Report: Kravica, Federation and Tuzla Combined Expert Team*, HU OSA 386-2-2-3, Records of the Physicians for Human Rights' Bosnia Projects: Forensic Assistance Project: Findings; Open Society Archives at Central European University, Budapest, November 1997, accessed 31 October, 2019, http://storage.osaarchivum.org/low/ca/f4/caf45868-361c-485b-b6c2-9e323fe9b8ba_l_eng.pdf.

38 Geoffroy L. de la Grandmaison and Michel Durigon, "Do medico-legal truths have more power than war lies? About the conflict in the former Yugoslavia and in Kosovo", *Med Sci Law* 41, (2001):301-4.

39 Ewa Tabeau and Arve Hetland, *Srebrenica missing: the 2007 progress report on the DNA-based identification by ICMP* (Demographic Unit, Office of the Prosecutor, ICTY), 2008.

40 Klinker, "Karadžić's guilty verdict and forensic evidence from Bosnia's mass graves"; Komar, "Lessons from Srebrenica."

41 De la Grandmaison and Durigon, "Do medico-legal truths have more power than war lies?"

42 De la Grandmaison and Durigon, "Do medico-legal truths have more power than war lies?"; Geoffroy de la Grandmaison et al., "The International Criminal Tribunal for the former Yugoslavia (ICTY) and the Forensic Pathologist: Ethical Considerations", *Med Sci Law* 46, no. 3 (2006).

In conclusion, the evaluation of post-mortem reports will not always be particularly useful in helping to determine the combat/civilian status of the decedents, or the manner or particular circumstances of the deaths, and therefore should not necessarily be relied upon.[43]

A more accurate way to determine the possible percentage of civilians compared to soldiers in the mass graves would be to check the identifications that have been established against records of known military service (if the latter are available and credible). However, it is to be recognized that records and recollections of this conflict cannot necessarily be trusted. In the words of David Rohde:

> The truth in the former Yugoslavia – is a nebulous concept. Exaggeration and manipulation of the facts are well-accepted tools for survival and propaganda is the norm.[44]

2.2.1. Demographic Issues and Basis for Alleged Genocide

In reconstructing events related to Srebrenica in 1995, an important issue, even from the view point of forensic archaeology, anthropology and pathology, is related to the number of people who died. It is clear from the published literature that it will not be easy to get accurate data. One of the main institutions dealing with this issue for many years is the International Criminal Tribunal for former Yugoslavia (ICTY), established in 1993. Over the years the Court has prosecuted mainly Serbs accused of committing war crimes in Bosnia and Herzegovina, with accusations of genocide based on the accepted number of nearly 8,000 systematically executed persons. Discussing the demographic structure of the dead in the summary of the Sentencing Judgement of Trial Chamber, Judge Rodrigues stated:

> ... However, for reasons the Trial Chamber has been unable to clarify, the decision was then taken to kill all the men of fighting age. The result was inevitable: the destruction of the Bosnian Muslim population in Srebrenica. At issue is not only the commission of murders for political, racial or religious reasons, which already constitutes a crime of persecution. At issue is not only extermination of the Bosnian Muslim men of fighting age alone. At issue is the deliberate decision to kill the men, a decision taken with complete awareness of the impact the murders would inevitably have on the entire group. By deciding to kill all the men of Srebrenica of fighting age, a decision was taken to make it impossible for the Bosnian Muslim people of Srebrenica to survive.[45]

For our analysis two important questions appear relevant: what was the total number of Bosniaks who died in the Srebrenica region during July 1995, and what was the exact number of those who were executed by Serbian forces? In spite of the large amount of work produced

43 Byard, "Jasenovac."
44 Rohde, *Endgame: The betrayal and fall of Srebrenica, Europe's worst massacre since World War II.*
45 *Prosecutor v. Radislav Krstic,* Judgement.

so far given the importance of the issue, the answers to these questions are still unresolved.

The Office of the Prosecutor (OTP) of the ICTY engaged demographic experts, Helge Brunborg and Henrik Urdal, and the prosecutor of the Krstić case requested a report to compile a list of missing and dead persons from the Srebrenica territory related to the events in July 1995. This initial report was updated several times for subsequent trials in the following years.

The Demographic Unit of the ICTY in their summary report in 2009[46] explained the criteria to be included in the list of Srebrenica-related missing persons, including the date and place of disappearance.

The date of disappearance "refers to the date a missing person was last seen alive", and this included the records with reported disappearance between 1 July and 31 August 1995 as the most relevant, but also records disappearances between 1 September and December 1995.

The place of disappearance "refers to the place a missing person was last seen alive". The list of municipalities considered relevant are Bijeljina, Bratunac, Han Pijesak, Kalesija, Kladanj, Rogatica, Šekovići, Srebrenica, Vlasenica, and Zvornik. The list also included a "few records of citizens of Bosnia who disappeared in three municipalities in Serbia: Bajina Bašta, Ljubovija, and Valjevo."[47]

In the same report the 2009 demographers from the ICTY explained the main sources used for creating the list of missing persons related to Srebrenica: OTP, ICRC (International Committee of the Red Cross) and PHR (Physicians for Human Rights) lists, and a list of non-overlapping records of those identified by the ICMP who were added to the list in order "to produce more complete picture of the victimization of the fall of Srebrenica".[48]

In their report the number of Srebrenica missing was 7,692, while the number of identified was 5,061, and in the OTP–ICTY report from 2013 the number of identified increased to 6,849.[49]

However, some scholars consider that the total percentage of those killed in the Srebrenica region should be re-analyzed. For example, Professor Svetlana Radovanović, University of Belgrade, in her *Demographic Report: The Missing and Dead in Connection with Srebrenica: Report and List from 2005* strongly criticized the applied methodology, final results, and the interpretation by the demographic unit of the ICTY.[50]

In the comments of the demographic report from 2005, she noted that data sources used by the ICTY Demographic unit "(with the exception of the 1991 Census) do not meet a single statistical standard, and are characterized by an unacceptably large number of errors. The proportion of errors or missing key data ranges from over 30% (ICRC list) to 100% (OSCE voters lists)".

46 ICTY, *The Demographic Unit of the ICTY Peport from 2009: Number of Missing* (The Hague: ICTY, 2009) – Helge Brunborg, Ewa Tabeau i Arve Hetland, 2009: R0660533), Annex 2, p. 34.

47 ICTY, *The Demographic Unit of the ICTY Report from 2009: Number of Missing*.

48 Ibid.

49 Janc, *Update 2013,* p. X024-0733.

50 Svetlana Radovanović, *Demographic Report: The Missing and Dead in Connection with Srebrenica – 2005 Report,* Expert report for the Case No. IT-05-88-T (Belgrade, 2008), p. Y0267953.

Radovanović identified several levels of problems in the ICTY demographic report:

Conceptual:

Inadmissibly low criteria for assessing the quality of the data sources used

1. OTP 2005 List of Missing and Dead "[... still features 35% dates of birth unknown, and a significant number of fictitious (unmatched) persons and persons who died prior to July 11, 1995 ...]"

High discrepancy between the number and basic personal data of the missing from the 1991 BiH Census and the 2005 OTP List of Missing and Dead Persons

2. In all of the OTP reports "[... it is stated that 1,030 persons on their list have not been matched with the 1991 Census. According to the 'methodology' of the experts, this is proof of the existence of fictitious persons ...]"

Data sources not used by the OTP experts for analysis

3. From the army of BiH databases of dead servicemen (soldiers): "[... Just by conducting a brief search through the identified persons in the BiH Army list and the Prosecution's list, we found over 100 soldiers who were killed prior to 1995 ...]"
4. From the database of deaths, 1992–1995 (DEM2T): a quick survey through 2005 OTP List and DEM2T can show several inconsistencies:[51] in the Prosecution list and DEM2T one can find persons with dates of death of 12.4.1995 and 3.4.1993, or persons with Sarajevo labeled as their place of death.[52]

Methodological:

'Adapting' the standard data matching method to suit the needs of their own research, with application of inadequate and arbitrary criteria

1. In a matching process, the identification key must be unalterable, in order to avoid 'targeted' statistics, and the OTP did "thousands of manual checks and individual decisions [that] comprise the basis of the statistical résumé included in our reports (Demographic Unit, OTP, September 21, 2007).

Problems with the poorly-defined territorial coverage and change of territorial scope during the ICTY investigation

2. In none of the OTP reports (2000-2007) was it ever defined "what Srebrenica territorially is", i.e. does it comprise the pre-war municipality with its 81 settlements, the defined area of the town itself, or the 'UN Srebrenica enclave'?

51 Radovanović, *Demographic Report: The Missing and Dead in Connection with Srebrenica – 2005 Report*, p. Y0267970.

52 Radovanović, *Demographic Report: The Missing and Dead in Connection with Srebrenica – 2005 Report*, Table 3.

3. 13 municipalities (including four from Serbia, later increased to seven) are included in the data gathered by the 'original' methodological principle: date and place of disappearance, then, being shifted to one single "Muslim community of Srebrenica municipality", and, in the final interpretation process, all of the victims were 'broken down' again to 4–5 neighboring municipalities (Bratunac, Vlasenica, Zvornik, and Han Pijesak).

Incorrect results as a consequence of inadmissible methodological errors

A serial of methodologically unacceptable statistical estimates, which according to Professor Radovanović: "... in our view, give rise to reasonable suspicion that the interest of the experts lies in large numbers ..." – for example, the conclusion that 33.9% of the Srebrenica male adult population was killed, which implies genocide. To counter this Professor Radovanović argued that when correct statistical methods are applied, the total percentage of adult male victims drops to nearly 12%:[53]

Table 1. Percentage of deaths of men according to municipalities of permanent residence in 1991

Male Muslim population 1991	TOTAL*	59,258	SREBRENICA	13,786
Missing and dead Muslims according to 2005 prosecution	TOTAL	7,379	SREBRENICA	4,168
Missing and dead Muslims according to residence 1991 (OTP)	TOTAL	3,225	SREBRENICA	1,645
Deaths (%) in findings according to Prosecution's methodology	TOTAL	14.1	SREBRENICA	33.9
Deaths (%) in findings with corrected methodology	TOTAL	6.2	SREBRENICA	11.9

* Total of male Muslim population from municipality of Srebrenica, Bratunac, Vlasenica, Zvornik, and Han Pijesak.

Another demographer, Miladin Kovačević, also criticized the conclusions of the OTP demographers, as an expert witness in 2008 (DAI 7-6530 /ID 312/),[54] as well as in his previous

53 Radovanović, *Demographic Report: The Missing and Dead in Connection with Srebrenica – 2005 Report*, pp. Y0267979–Y02679480.

54 Miladin Kovačević, *Ekspertski izveštaj o broju nestalih u Srebrenici jula 1995* [Expert report on the number of missing persons in July 1995], Expert report for the Case no. IT-05-88 (Beograd, 2008, Source: Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons Documentation Center, Banja Luka), 1D19-1553–1D19-1572.

report.[55] Regarding the sources that the OTP Demographic Unit used for the report (the ICRC and PHR lists)[56] Kovačević stated that:

> … The number of missing and wrong data on these lists is significant. On the ICRC list, the most frequent incomplete data was the date of birth (65.4% complete) as well as the missing date (89.6%). Similar with the PHR lists…
>
> … 'Matching' method involved matching up key data (name, last name and date of birth) on the ICRC and PHR lists, and then comparing them with OSCE voters lists for 1997 and 1998, and when necessary with the 1991 population Census….
>
> …The established statistics were the following: there were 5,712 on both lists of missing persons (ICRC and PHR). There were 1,586 persons on the ICRC lists who were not found on the PHR list. There were 192 persons on the PHR list who were not found on the ICRC list. There were 7,490 missing persons on both or at least one list. When persons found in voter's registry were excluded, there were 7,481 persons on the missing person's lists. The estimation of total victims (killed) regarding Srebrenica, according to maximum likelihood estimator applied by the author was 7,543….[57]

The place of residence is missing in all lists used for the OTP demographic report as unfortunately it is clear that there was no adequate population census of Srebrenica immediately before its fall. Thus Kovačević used the four available documents (presented to the Tribunal under the following numbers: DAI 7-3053-DAI 7-3053, R008-0137, DAI 7-1827-DA17-1828, and DAI 7-6530) in order to put on record the population size. In the following table Kovačević presented the **total number of citizens in Srebrenica enclave** (**S**), the **displaced persons – refugees** (**R**) (according to the following documents: D000-2101–D000-2101, D000-2102–D000-2102, D000-2103–D000-2103, and D000-2104–D000-2104), the **missing persons according to OTP** (**N**), and the **identified persons** (**I**):[58]

55 Miladin Kovačević, "The weak points of statistical and demographic analyses in estimations of war victims in Bosnia and Herzegovina in the period 1992-1995", *Stanovništvo* br. 43-1–4 (Beograd: Centar za demografska istraživanja Instituta društvenih nauka/Udruženje demografa Srbije, 2005).

56 PHR – organization *Physicians for Human Rights (PHR).*

57 Kovačević, *Ekspertski izveštaj,* p. 1D19-1554 *et pass.*

58 Kovačević, *Ekspertski izveštaj*, p. 1D19-1562.

Table 2. The difference between the number of inhabitants of Srebrenica before the fall and the number of people displaced from Srebrenica

Document code regarding the population size	Total number of citizens in Srebrenica enclave (S)	Displaced persons – refugees (R)	Missing persons according to OTP	Identified persons	Difference S-R
S 37525 (1994)	37,525	34,537	7,659	3,947	2,988
S census (1991)	37,211	34,537	7,659	3,947	2,674
S 36051 (11.1.1995)	36,051	34,537	7,659	3,947	1,514
S 37255 (11.1.1994)	37,255	34,537	7,659	3,947	2,718

The difference between the number of inhabitants of Srebrenica before the fall and the number of people displaced from Srebrenica represents the number of people missing (and most likely dead) from the enclave. A similar number (less than 3,000) is obtained when military data from the BiH Army are analyzed: this included a military list of soldiers, the number of missing military personnel, and the number who died before July 1995.

The mayor of Srebrenica in 1994 (DAI 7-6530) stated that the number of refugees from other municipalities in Srebrenica was 16,709.

According to the Census in 1991 the total number of citizens in the entire municipality was 37,211, with most of them being Muslims (27,118), then Serbs (9,381), and other minorities.[59]

Another document (Srebrenica municipal civil protection headquarters' report) from January 1995, states that the total number of Srebrenica inhabitants was 36,051, with 10,395 local town people, 9,400 from the Srebrenica municipality but only temporarily resident in Srebrenica, and Professor Kovačević did show that according to several different documents the total number of the Srebrenica population in the summer of 1995 (**S**) could only be in the range of 36,000 to 37,500. When taking into account the official number of living, displaced persons after the events of July 1995 (**R**), the difference (**S** – **R**) identifies **the number of missing** people (**N**). Next, he compared the N value(s) with Brunborg's list of missing individuals of 7,659 persons, and the revised up-to-date number of **identified** (dead) persons (**I**) – 3,947. His conclusion was that the ICTY OTP Demographic Unit was incorrect in producing the List of Missing (Brunborg 2005[60] – 7,661 individuals). For example, it appears that most probably around 1,300 Bosniak soldiers from Srebrenica died prior to the summer of 1995. Another 2,000 could not be demographically connected to pre-July 1995 Srebrenica.

59 Kovačević, *Ekspertski izveštaj*, p. 1D19-1565.

60 Helge Brunborg, *Report on the Number of Missing and Dead from Srebrenica* (OTP report to the ICTY) (The Hague: ICTY, 2005), ERN 0093-9724–0093-9737.

As an epilogue, the recent demographic data from Croatia (http://www.statistika.ba.) cited that settlement population numbers for Srebrenica dramatically decreased after the war in Bosnia and Herzegovina: from 36,666 in 1991 to 13,409 in 2013.

Critiques of the reports of the ICTY Demographic unit appear reasonable and scientifically based, which stimulates further investigative work towards the question: how many dead individuals are actually related to the Srebrenica event?

2.2.2. Demographic Structure

Regarding the demographic structure of people who died related to the fall of Srebrenica, it was confirmed that almost the entire population were Muslims and males, who were predominantly young. In the integrated report of the ICTY Demographic unit of 2009,[61] out of 7,692 missing or dead individuals, 0.9% (68) were women, 99.1% (7,624) were males, with 0.3% (20) boys aged from 10 to 14 years and 1.9% (131) elders, aged over 70 years.

A less clear issue is related to the proportion of military personnel among the victims, and the contribution of military losses in the interpretation of events related to the fall of Srebrenica. The ICTY Report (Demographic unit) of 2009[62] states that monitoring of Army BiH records in the OTP Srebrenica missing list "…*cannot be seen as an attempt to distinguish between combatant and non-combatant victims of the fall of Srebrenica*". Moreover, the list was not used at all because "*no place of death/missing is available and no circumstances of death are reported*."

Further, they have cited that the ICMP identified 3,438 individuals from the BiH Army records being on the OTP list (made by the ICTY), and mainly exhumed by the ICTY. The total number of matches between ARBiH records and the OTP list is 5,371. In the same report the ICTY stated that the remains of approximately 78% of all identified ARBiH individuals were exhumed from the mass graves by the ICTY, as opposed to surface remains and small graves that were excavated later. Based on this they concluded that (even though military records are represented in about 70% on the OTP list), "…*all this indicates that a majority of these individuals died violent deaths in non-combat circumstances.*" Thus, finding "… remains … in mass graves … "became the proof of non-combat circumstances of death.

Another issue of importance is whether the active members with the reserve forces of the ARBiH 28th Division, who intended to reach Tuzla from Srebrenica in July 1995, were engaged in military action, or instead represented a situation where "men tried to escape the area by walking to the forest", as it has been cited in many ICTY reports. The matter will be discussed elsewhere in the report of this Commission, and only one case that contributes to this debate will be discussed here.

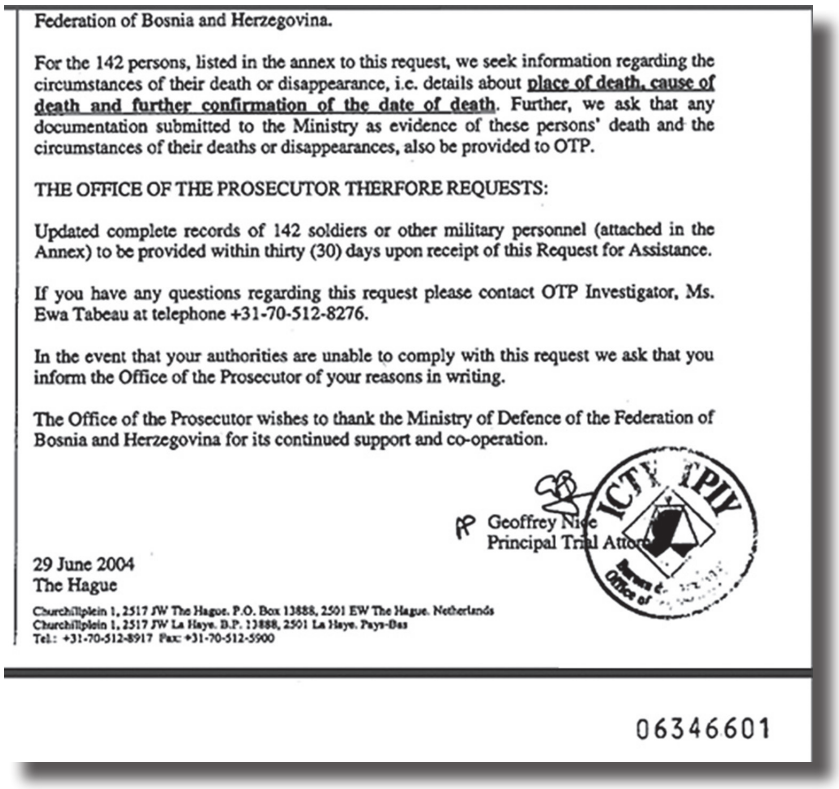
61 Helge Brunborg, Ewa Tabeau and Arve Hetland, *The 2009 Integrated Report on Srebrenica Missing with a Progress Report on the DNA-Based Identification by ICMP* (ICTY OTP Report created on January, 2009), (The Hague: ICTY OTP, 2009), p. R0660546.

62 Brunborg et al., *The 2009 Integrated Report on Srebrenica Missing with a Progress Report on the DNA-Based Identification by ICMP*, p. R0660583.

In June 2004, Geoffrey Nice, the then Principal Trial Attorney at the ICTY trial of Slobodan Milošević, the president of Serbia (case IT–02–54), put in a request for assistance to the Ministry of Defense of the Federation of Bosnia and Herzegovina. It was:

… regarding the death or disappearance of 142 soldiers or other military personnel from the Army of Bosnia and Herzegovina (ARBiH)… – Figure 1.[63]

The main reason for such a request was the fact (as can be discerned from a list attached to that letter of request) that those individuals, all being soldiers, were formally declared and filed as killed or disappeared over a very wide time range, from 1992 to 1995, apart from July 1995 (the Srebrenica event). In that original ARBiH list, some were from different places such as the Sarajevo municipalities of Vogošća and Ilidža, then Kladanj, and Lukavac. Thus, Nice asked for clarification, because (although not explicitly stated in the letter) the ICMP had already identified named persons as victims, based on skeletal remains from different Srebrenica July 1995 mass graves. He asked the Bosniak military authorities to check and update data about the place of death, the cause of death, with further confirmation of the date of death.



Federation of Bosnia and Herzegovina.

For the 142 persons, listed in the annex to this request, we seek information regarding the circumstances of their death or disappearance, i.e. details about **place of death, cause of death and further confirmation of the date of death**. Further, we ask that any documentation submitted to the Ministry as evidence of these persons' death and the circumstances of their deaths or disappearances, also be provided to OTP.

THE OFFICE OF THE PROSECUTOR THERFORE REQUESTS:

Updated complete records of 142 soldiers or other military personnel (attached in the Annex) to be provided within thirty (30) days upon receipt of this Request for Assistance.

If you have any questions regarding this request please contact OTP Investigator, Ms. Ewa Tabeau at telephone +31-70-512-8276.

In the event that your authorities are unable to comply with this request we ask that you inform the Office of the Prosecutor of your reasons in writing.

The Office of the Prosecutor wishes to thank the Ministry of Defence of the Federation of Bosnia and Herzegovina for its continued support and co-operation.

Geoffrey Nice
Principal Trial Attorney

29 June 2004
The Hague

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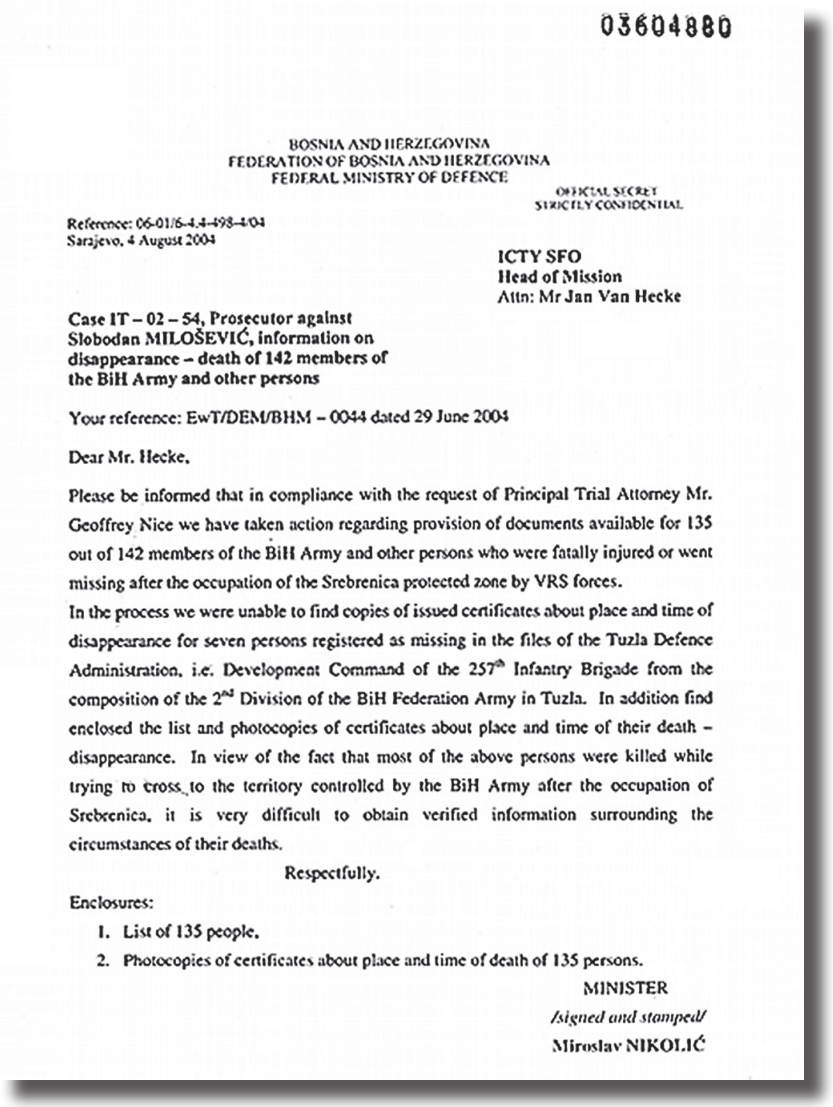
06346601

Figure 1. ICTY, Geoffrey Nice, the ICTY Principal Trial Attorney's request for assistance to the Ministry of Defense of the Federation of Bosnia and Herzegovina

Source: ICTY, *Geoffrey Nice, the ICTY Principal Trial Attorney's request for assistance to the Ministry of Defense of the Federation of Bosnia and Herzegovina*, sent on June 29, 2004 (The Hague: ICTY, 2004), p. 06346601.

63 ICTY, *Geoffrey Nice, the ICTY Principal Trial Attorney's request for the assistance to the Ministry of Defense of the Federation of Bosnia and Herzegovina*, sent on June 29, 2004 (The Hague: ICTY, 2004), pp. 06346600–06346607.

In answer, the Bosniak Ministry of Defense sent a new list, with a letter written by the relevant Minister. Out of the 142 individuals where confirmatory information was requested the report was sent back for 135. Each record included information on the place of disappearance/death, most frequently cited as the "route from Srebrenica to Tuzla", as well as the dates of death (with the exception in three cases: July 10 and 20, 1995, and August 12, 1992) – between 11th and 17th July 1995. The majority of cases had been revised to fit with the Srebrenica July 1995 event – Figure 2.[64]



03604880

BOSNIA AND HERZEGOVINA
FEDERATION OF BOSNIA AND HERZEGOVINA
FEDERAL MINISTRY OF DEFENCE

OFFICIAL SECRET
STRICTLY CONFIDENTIAL

Reference: 06-01/6-4.4-498-4/04
Sarajevo, 4 August 2004

ICTY SFO
Head of Mission
Attn: Mr Jan Van Hecke

Case IT – 02 – 54, Prosecutor against Slobodan MILOŠEVIĆ, information on disappearance – death of 142 members of the BiH Army and other persons

Your reference: EwT/DEM/BHM – 0044 dated 29 June 2004

Dear Mr. Hecke,

Please be informed that in compliance with the request of Principal Trial Attorney Mr. Geoffrey Nice we have taken action regarding provision of documents available for 135 out of 142 members of the BiH Army and other persons who were fatally injured or went missing after the occupation of the Srebrenica protected zone by VRS forces.

In the process we were unable to find copies of issued certificates about place and time of disappearance for seven persons registered as missing in the files of the Tuzla Defence Administration, i.e. Development Command of the 257th Infantry Brigade from the composition of the 2nd Division of the BiH Federation Army in Tuzla. In addition find enclosed the list and photocopies of certificates about place and time of their death – disappearance. In view of the fact that most of the above persons were killed while trying to cross to the territory controlled by the BiH Army after the occupation of Srebrenica, it is very difficult to obtain verified information surrounding the circumstances of their deaths.

Respectfully.

Enclosures:

1. List of 135 people.
2. Photocopies of certificates about place and time of death of 135 persons.

MINISTER

/signed and stamped/

Miroslav NIKOLIĆ

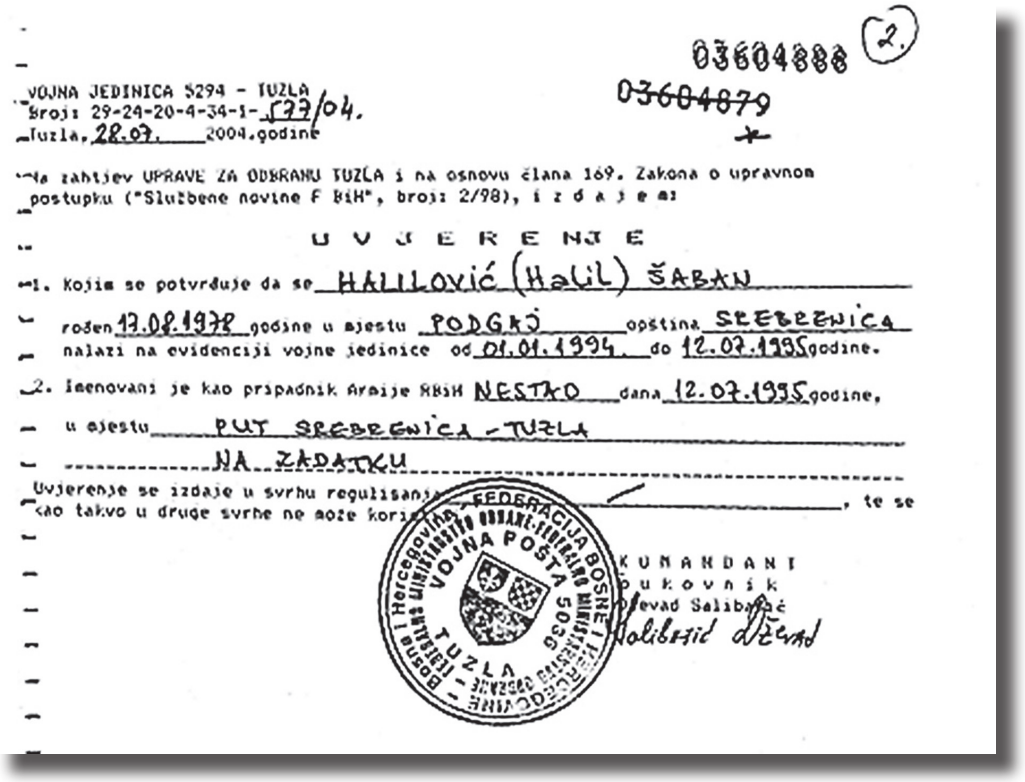
Figure 2. Response to Geoffrey Nice from the Ministry of Defense of the Federation of Bosnia and Herzegovina

Source: ICTY, *Miroslav Nikolić, the BiH Federal Minister of Defense's response to ICTY Principal Trial Attorney's request for the assistance*, p. 03604880.

All enclosed certificates about the place and time of death/disappearance were issued by the Federal Ministry of Defense of Bosnia and Herzegovina, Military unit 5294 Tuzla,

64 ICTY, *Miroslav Nikolić, the BiH Federal Minister of Defense's response to ICTY Principal Trial Attorney's request for the assistance*, sent on August 4, 2004, pp. 03604878–03605022 (The Hague: ICTY, 2004).

between July 28th and 29th 2004, a month after the request from Nice. All of these updated certificates contain information that the particular soldier in question was missing "on assignment" – Figure 3.[65]



03604888 (2.)
03604879

VOJNA JEDINICA 5294 - TUZLA
Broj: 29-24-20-4-34-1-577/04.
Tuzla, 28.07. 2004.godine

Na zahtjev UPRAVE ZA ODBRANU TUZLA i na osnovu člana 169. Zakona o upravnom postupku ("Službene novine F BiH", broj: 2/98), i z d a j e m:

U V J E R E NJ E

1. Kojim se potvrđuje da se HALILOVIĆ (Halil) ŠABAN
rođen 17.08.1978 godine u ajestu PODGAJ opština SREBRENICA
nalazi na evidenciji vojne jedinice od 01.01.1994. do 12.07.1995godine.
2. Imenovani je kao pripadnik Armije RBiH NESTAO dana 12.07.1995godine,
u ajestu PUT SREBRENICA - TUZLA
NA ZADATKU
Uvjerenje se izdaje u svrhu regulisanja
kao takvo u druge svrhe ne može kori, te se

FEDERACIJA BOSNE I HERCEGOVINE - FEDERALNO MINISTARSTVO ODBRANE - FEDERALNI ODBRAMBENI MINISTAR
VOJNA POŠTA 5036
TUZLA

KOMANDANT
pukovnik
Ševad Salihbegić
Salihbegić Ševad

Figure 3. Place and time of death/disappearance certificates issued by the Federal Ministry of Defense of Bosnia and Herzegovina

Source: ICTY, *Miroslav Nikolić, the BiH Federal Minister of Defense's response to ICTY Principal Trial Attorney's request for the assistance,* p. 03604888.

A thorough analysis was made, in order to check whether the "old" or "new" data on place, time, and circumstances of disappearance/death of the named ARBiH soldiers better corresponded to the forensic evidence, presented by the PHR, ICMP, and ICTY OTP. Three cases have been selected:

1. Smail Mehanović, born on November 16, 1968 in the village Tegare, municipality of Bratunac.

In the ICMP list of DNA matching reports database[66] it appears that this individual was found in the "secondary" mass grave Hodžići Road 1 (Snagovo 4), under the case code SNA04ZVO016T (Zmax). According to this database, he disappeared/died on July 11, 1995, in a "forest". Another database (the so-called Tuzla Baza) repeats the same date (July 11,

65 *op. cit*., p. 03604888.

66 ICMP, *93 ICMP list of DNA matching report (from Nov. 2001 to Feb. 2013) Srebrenica related only* (hereinafter: ICMP, *DNA matching report)*, (Excel database produced by ICMP) (The Hague: ICTY, 2013)

1995), but the place of disappearance/death here is "Potočari".[67] In the original ARBiH list of missing and dead soldiers it was written down that Smail was killed on July 20, 1992. In the later revised version, the information was that he was killed on July 20, 1995 at Potočari. The attached document is the official military death certificate, No. 29–24–20–4–34–1–589/04. Why are these data important? The entire Hodžići Road 1 (Snagovo 4) mass grave was interpreted as a secondary grave, where the robbed body remains from Lažete 1 and 2 primary graves (the Orahovac execution point) were re-buried. According to well-known reconstructed events, the Orahovac execution happened on July 14, 1995 with the primary inhumation of the victims, on July 15 and 16, 1995. So, how is possible that Smail (obviously the soldier), who died in July 20, 1995 at Potočari (some 50 km to the southeast from Orahovac) could be buried at Hodžići Road 1 mass grave?

2. Munib Salkić, born on February 27, 1960 in the village Kamenica, municipality of Zvornik.

In the ICMP list of DNA matching reports database, the information is complicated: Munib's remains were discovered as surface findings in 1996 (MEM-1 and MEM-1-LH)[68] but later reassociated with another set of distant bone remains (TZ.TRN-4/02B),[69] buried at the city cemetery of Tuzla, named Trnovac. DNA profiling was undertaken twice, in 2004 and 2012. According to the same database, he disappeared/died on July 11, 1995, in a "forest". The "Tuzla Baza" database differs in content, stating that Munib disappeared on October 11, 1995, at Kamenica.[70] Alternatively, in the original ARBiH list of missing and dead soldiers it was documented that Munib had been killed on September 13, 1995. In the revised version, it was stated that he had been killed on September 13, 1995 at Memići (Kalesija). The attached document is the official Municipal Court of Kalesija death certificate, No. R-205/98, that included statements of two eyewitnesses. Thus, Munib definitely died at a place and on a date that could not be related to the Srebrenica July 1995 events. But, despite this he was included in the Srebrenica victims list, and re-buried at the Memorial Center at Potočari.

3. Mirsad Hamzić, born on May 1, 1973 in the village Gladovići, municipality of Srebrenica.

In the ICMP list of DNA matching reports database the situation is clear. Mirsad's remains (his skull and one single boot) were discovered as surface findings in 2001 (SA-37/1) in the village of Pusmulići (hamlet of Vlanići), by the Republika Srpska Operative Team for Tracing the Missing Persons. He was labelled as a Srebrenica victim, with the date and place of disappearance/death as "Potočari, July 11, 1995". The "Tuzla Baza" database differs slightly in content, stating instead "July 12, 1995, Potočari". Alternatively, in the original ARBiH list of missing and dead soldiers, as well as in the later revised list, it was

67 ICMP/PIP, *TUZLA BAZA access FINAL* (hereinafter: PIP, *TUZLA BAZA*), (Excel database produced by PIP – Podrinje Identification Project) (The Hague: ICTY, 2015).
68 ICMP, *DNA matching report.* The protocol numbers for Munib are 1148/02 and 1148/02R.
69 ICMP, *DNA matching report.* Additional protocol number for Munib is 1148/02PR.
70 PIP, *TUZLA BAZA*. In this database, Munib's ordinal is 1043.

written down that Mirsad had disappeared on July 10, 1995 at Ljubisavići (a small village to the southwest of Pusmulići). So, the date and place are both incorrect in the finally accepted lists by the ICTY OTP. It is important to stress that Mirsad's remains were handed over to the Commission for Missing Persons of the Federation of BiH and ICMP on 2006, two years after the Federal minister of Defense sent the missing soldiers list to the OTP.

There are other examples showing alterations to data. For instance, Mehmedalija Ahmetović was claimed to have disappeared on July 12, 1995 (in the "fixed" list sent to ICTY OTP), but in the attached military death certificate, another date is clear – August 18, 1994.

Regardless of the issue of official or non-official engagement of the ARBiH military staff and how they had been equipped, the basic question remains of how they died, and, in particular whether they were systematically executed.

2.3. Analysis of Primary Mass Graves and the Question of the Number of Individuals Executed

In this part of the study the total number of victims systematically executed after their detention has been attempted to be calculated (as well as some of the important aspects of their burial in mass graves, site formation, deposition and subsequent body removals, etc.). Data about this issue were explored from the Hague Tribunal, but estimations were quite varied depending on different sources; even final conclusions stated by trial chambers were imprecise with very broad ranges for potential victims of executions in the majority of the execution sites. Since all executed individuals were initially inhumed in primary graves, known primary mass graves were analyzed to estimate capacity i.e. the maximum number of individuals that could have been buried. The analyses were based on the original field reports from excavations presented in different trials.

2.3.1. Primary Mass Graves at Glogova

Two adjacent mass graves have been found and explored at Glogova, a village situated about seven kilometers to the west of Bratunac. There is a narrow gravel-and-dirt road leading from the asphalt road Bratunac–Konjević Polje to the southwestern neighboring village of Magašići. On two sides of this dirt road, between several destroyed houses, Glogova 1 (excavated in 2000), and Glogova 2 (excavated in 1999) have been discovered (Figure 4).

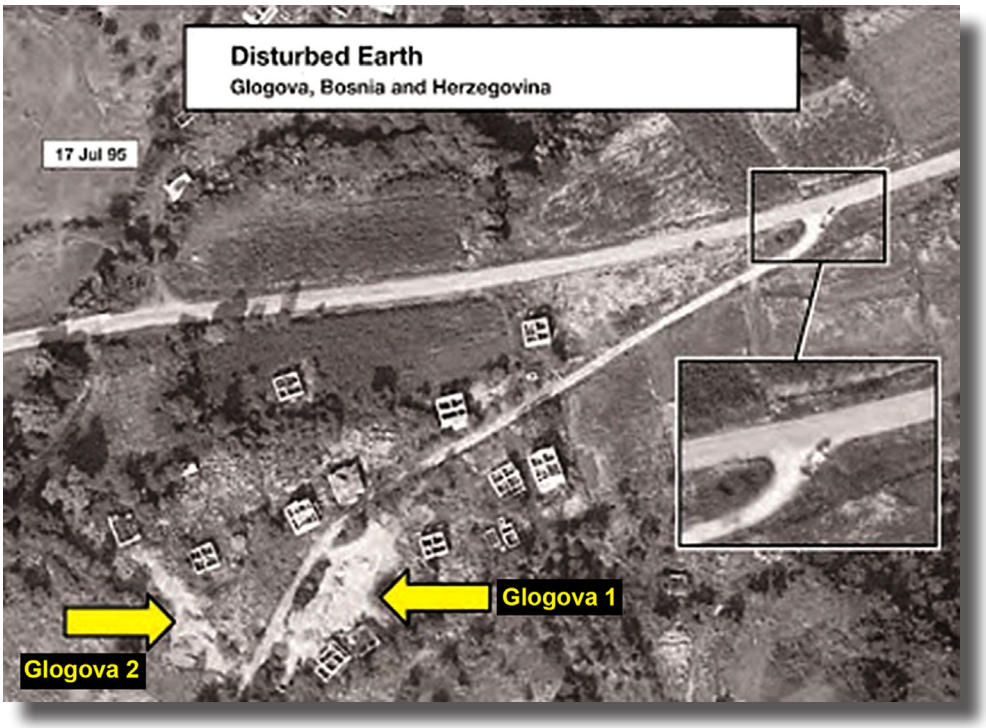


Figure 4. Intelligence aerial photograph of freshly dug mass graves at Glogova, taken in mid-July 1995

Source: Richard Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000*, Report to the ICTY (The Hague: ICTY, 2001), p. X0064506, Fig. 3.

Although both discovered and confirmed before 1998, the Glogova 2 site was excavated as the initial grave from this huge site in 1999 by the ICTY's team led by José Pablo Baraybar, and Glogova 1 in the succeeding year of 2000, the field project led by Richard Wright. Finally, Baraybar continued excavations at Glogova 2 in 2001, finishing the entire fieldworks here.

Both burials present complex primary mass graves, consisting of several sub-grave units, where hundreds of human remains have been detected and exhumed, having a clear archaeo-forensic evidence of subsequent robbing (i.e. removal from a primary burial site and reinterred).

Glogova 1

According to the field excavation and exhumation report,[71] the Glogova 1 site presents a collection of several large and smaller sub-graves, partly destroyed by later robbing episodes. This is why the excavators recognized a total of 11 different sub-clusters (Glogova 1 A–L), seven of which containing human remains. From the viewpoint of forensic archaeology, even though a large and expert field team performed the excavations using modern equipment and field survey techniques, basic methodological approaches to the excavations were less than adequate. For example, instead of a standard archaeological stratigraphic approach, Wright applied the so-called "pedestal" method, where, after detecting the border of the grave pit, the

71 Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000.*

soil and natural deposits around the grave are excavated and removed creating a surrounding channel (Figure 5):

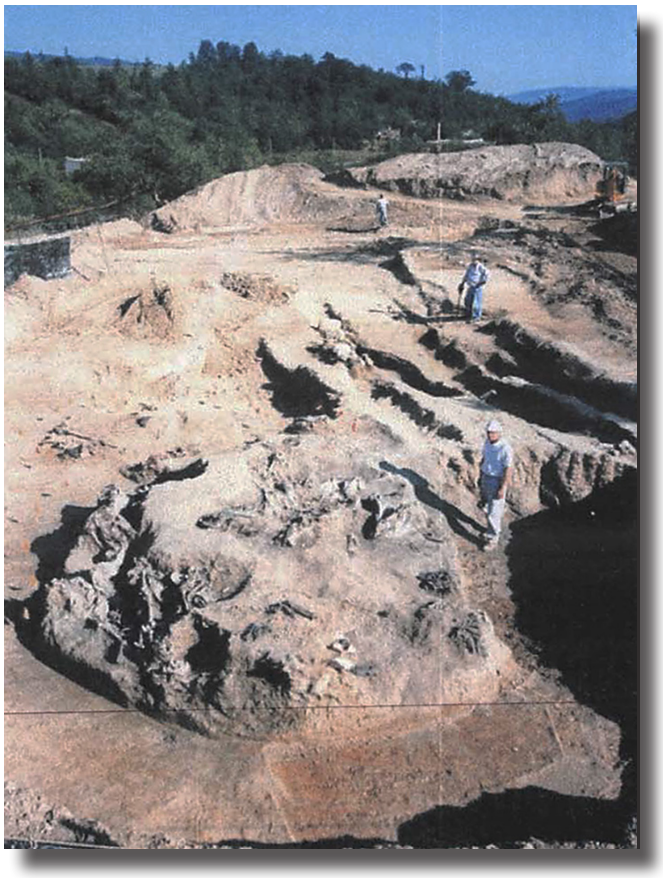


Figure 5. Glogova 1 – sub-grave H on a pedestal "prepared for exhumation"

Source: Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000*, p. X0064510, fig. 7a.

Such an approach has been criticized in the forensic literature for several reasons,[72] but in this particular case it is additionally problematic. Firstly, the physical destruction of the grave pit walls prevents experts from undertaking any additional stratigraphic analyses, either vertical or horizontal. This is evident in the case of the Glogova 1 site, where there was insufficient information on the internal thickness of body deposits and the total depth of the grave(s). Secondly, in such a complex site, which according to the author, has its own internal, likely complicated history of the burial of bodies from different events, it was of crucial importance to establish a persuasive archaeo-forensic line of evidence, especially regarding the latter events of grave robbing.

In the field report from Glogova 1, it is possible to conclude that six different sub-graves, plus an isolated find in a proximate ditch, have been found: units C (23 bodies), E (6 bodies), F (45 bodies), H (91 bodies), Excavation J (1 body), K (13 bodies), and L (12 bodies). Besides complete or almost complete bodies, 249 partial human remains (body parts), and

72 Hugh Tuller and Marija Djuric. "Keeping the Pieces Together: Comparison of Mass Grave Excavation Methodology." *Forensic Science International* 156, no. 2-3 (2006).

many more isolated bones ("general bones" gathered in 32 bags) have been recorded and collected.[73] After Janc,[74] a total of at least 227 individuals have been established, according to the DNA-based identification made by the ICMP.

The general site plan was offered by Wright, showing the spatial distribution of a series of sub-graves at Glogova 1 (Figure 6):

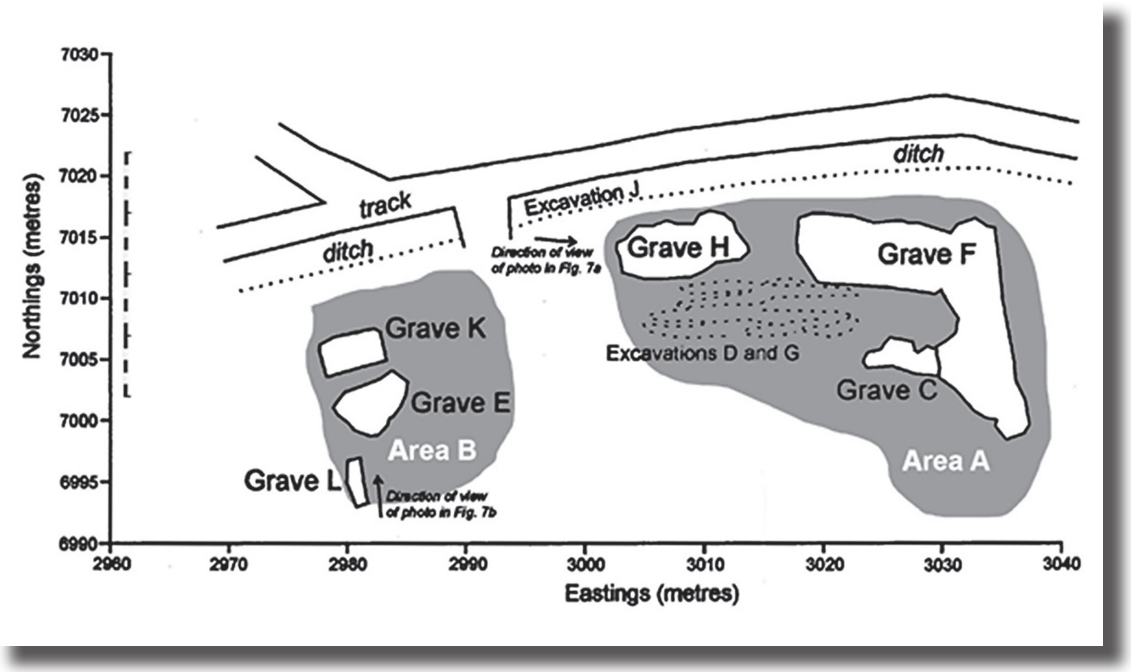


Figure 6. Glogova 1 site plan, with 11 clusters – surface areas A and B, graves C, E, F, H, K, and L, as well as the excavations* D, G, and J

Source: Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000,* X0064508, fig. 5a.

* the term "excavations" was used here by Wright to refer to the robbing episodes.

Obviously, two spatially separated clusters of graves existed: Area A to the east, with the (sub) graves C, F, and H, and another one to the west, consisting of graves E, K, and L. Their shape, size, and depth differ considerably, but all were excavated using heavy machinery (Figure 7). The archaeologists formulated an important conclusion on the question of the order of the creation of the graves: that the western graves (and especially E and L) on the site were likely created subsequently, not in mid-July 1995, but around the last week of that month. These were excavated by a front-end loader, and the eastern graves by backhoe excavators. Grave L is the only one listed as a possible execution point, having bodies of victims with ligatures, with no signs of explosive wounds, so characteristic of other clusters of the (sub)grave body remains.[75]

73 Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000*, p. X0064495.
74 Janc, *Update 2013*, p. X024-0745.
75 Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000,* p. X0064499 *et pass.*

Figure 7. Glogova 1, Grave H – machine excavator tooth marks at the base of the grave pit *Source:* Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000,* p. X0064513, fig. 10.

Wright did not offer precise dimensions for each (sub)grave, nor the surface areas or the depth of the pits. It is however possible that graphical representation of such data did exist as a computer disc named "3-D schematic maps of bodies in graves" had been given to the ICTY OTP as a digital annex to the report[76] but these data were not available to us.

An attempt to determine the total number of individuals originally buried on the site of Glogova 1 is complicated by the fact that a large area of the grave(s) had been robbed. Wright did not offer information on this, nor on the size and capacity of the graves, neither on the percentage and/or 3D shape of destroyed and robbed parts of graves. So, in order to calculate the volumes and capacity of the graves, we had to produce a hybrid site plan (Figure 8):

76 Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000*, pp. X0064501–X0064503.

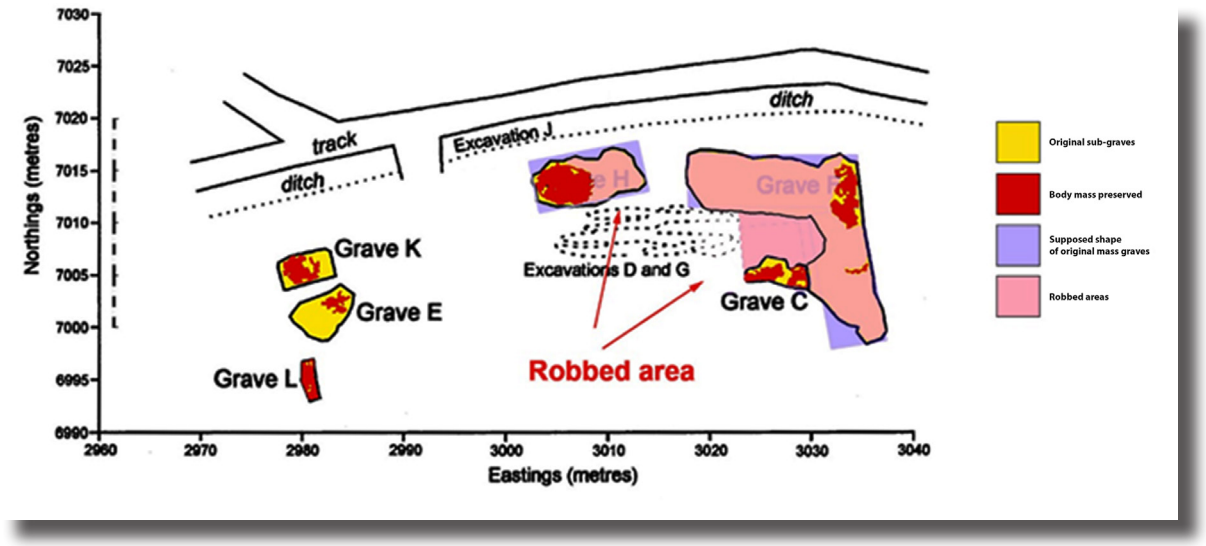


Figure 8. Glogova 1 – hybrid plan of sub-graves, supposed shape of original pits, body mass preserved, and robbed areas

Modified after: Wright, *Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000*, X0064508, figs. 5a and 5b.

To produce such a map, two different figures were used as basic layers, which were precisely scaled and combined with a series of photographs and other drawings from Wright's report. As a result, we obtained and reconstructed the following data (Table 3):

Table 3. Glogova 1 – particular dimensions and areas of the graves, with numbers of bodies discovered

Sub-grave	Lenght/width NON-ROBBED ZONE (app.)	Area NON-ROBBED (m^2)	Lenght/width ROBBED ZONE (app.)	Area ROBBED (m^2)	TOTAL area (m^2, app.)	Shape / state of preservation	Number of bodies recovered
C	6.1 x 2.3m	14.0	6.1 x 4.2m	25.6	39.6	irregular (?), heavily robbed	23
E	6.0 x 2.0–4.6m	20.5	/	/	20.5	irregular, non-robbed	6
F	a) 6.5 x 3.1m + b) 2.5 x 1.0m	20.2 + 2.5 = 22.7	a) 13.6 x 5.5m + b) 10.9 x 4.0 –5.9m	74.8 + 43.6 = 118.4	141.1	irregular, heavily robbed	45

H	5.5 x 4.7m	25.9	4.6 x 4.7m	21.6	47.5	pretty regular, half-robbed	91
K	5.2 x 3.2m	16.7	/	/	16.7	regular, non-robbed	13
L	4.0 x 1.5	6.0	/	/	6.0	pretty regular, non-robbed	12
Excav. J	/	/	/	/	/	no grave, one single body (robbing action)	1
	TOTAL	105.8		165.6	271.4		191

Even though Glogova 1 consists of a series of single mass graves, it should be noted that the approximate area of the entire site is 51x25m, i.e. around 1,240m^2. So, the total area of the graves accounts for more than one fifth of the site.

In order to calculate the range of originally buried bodies, before the action of robbing, a probabilistic approach has been applied that arises from simple archaeological principle: if we have original non-robbed parts of graves of known area, as well as the number of individuals found, it will be possible to calculate the remainder of the graves including the robbed zones. Of course, this is an approximation, as the entire grave is assumed to be full.

As an example, we can present the case of the sub-grave C. From Table 1 one can find evidence that its non-robbed area counts 14m^2, with 23 bodies recovered. If it is presumed that the area of the robbed zone is maximally around 26m^2, then the calculation follows:

$$14 : 23 = 26 : x \text{ , where } x = \frac{23*26}{14} = \text{up to 43 individuals in } 26\text{m}^2.$$

The same mathematical logic applied to each sub-grave provides the following data (Table 4):

Table 4. Glogova 1 – calculation of the number of bodies in robbed zones of the sub-graves, with estimation of the maximum number of individuals

Sub-grave	Area NON-ROBBED (m^2)	Area ROBBED (m^2)	TOTAL area (m^2)	Number of bodies recovered	Number of bodies calculated (ROBBED ZONE)	TOTAL number of bodies estimated
C	14.0	25.6	39.6	23	43	66
E	20.5	/	20.5	6	/	6
F	20.2 + 2.5 = 22.7	74.8 + 43.6 = 118.4	141.1	45	231	276
H	25.9	21.6	47.5	91	77	168
K	16.7	/	16.7	13	/	13
L	6.0	/	6.0	12	/	12
Excav. J	/	/	/	1		1
	105.8	165.6	271.4	191	351	**542**

Thus, the upper limit or maximum capacity of all of the sub-graves at Glogova 1 should be 540, which would be the upper limit of individuals estimated to have originally been buried there. Of course, this is not an absolute value as it is only valid if the robbed sub-graves were completely filled. It is not possible to determine the lowest values of body numbers at the Glogova 1 site as the major part of its sub-graves had been seriously disturbed and altered and we do have, as an example, the evidence from the sub-graves of E or K not being used to their total capacity.

Glogova 2

As already noted above, the site of Glogova 2 was first excavated in 1999, by a multidisciplinary expert team of the ICTY program, led by a Peruvian anthropologist, José Pablo Baraybar. The site itself is situated on the northern slope just next to a local dirt pathway that leads to Magašići from the main asphalt road Bratunac–Konjević Polje, in the southernmost part of the village of Glogova. Glogova 2 presents a part of the complex of primary mass grave sites, being in close vicinity to Glogova 1, located to the south, on the other side of the same pathway (Figure 9):

Figure 9. Overview of the Glogova 2 site, prior to excavations in 1999

Source: Baraybar, *Report on the Exhumation of Mass Gravesites in Eastern Bosnia, August–October 1999*, p. R1078076, photograph 15.

During his first excavation, Baraybar discovered a series of adjacent larger and smaller graves, just as Wright had done during the excavation of Glogova 1. The total size of the disturbed area was 60x15m, or around 900m^2,[77] a little smaller than the adjacent Glogova 1 site. However, analysis of different elements from his 1999 report, and especially from the later summary report[78] suggests a dissimilar size of 25x19m, or 500m^2. This, and other problematic measurements in Baraybar's reports, will be discussed further in the text.

In 1999 six separate, adjacent (even coalescing) and heavily robbed graves were discovered (Figure 10):

77 José P. Baraybar, *Report on the Exhumation of Mass Gravesites in Eastern Bosnia, August–October 1999* (hereinafter: Baraybar, *Report 1999*), Formal report to the ICTY OTP (The Hague: ICTY, 1999), p. R1078076.

78 José Pablo Baraybar, *Report on Excavations at Glogova 2, Bosnia and Herzegovina 1999–2001* (hereinafter: Baraybar, *Report 2001*), Formal report to the ICTY OTP, (The Hague: ICTY, 2001).

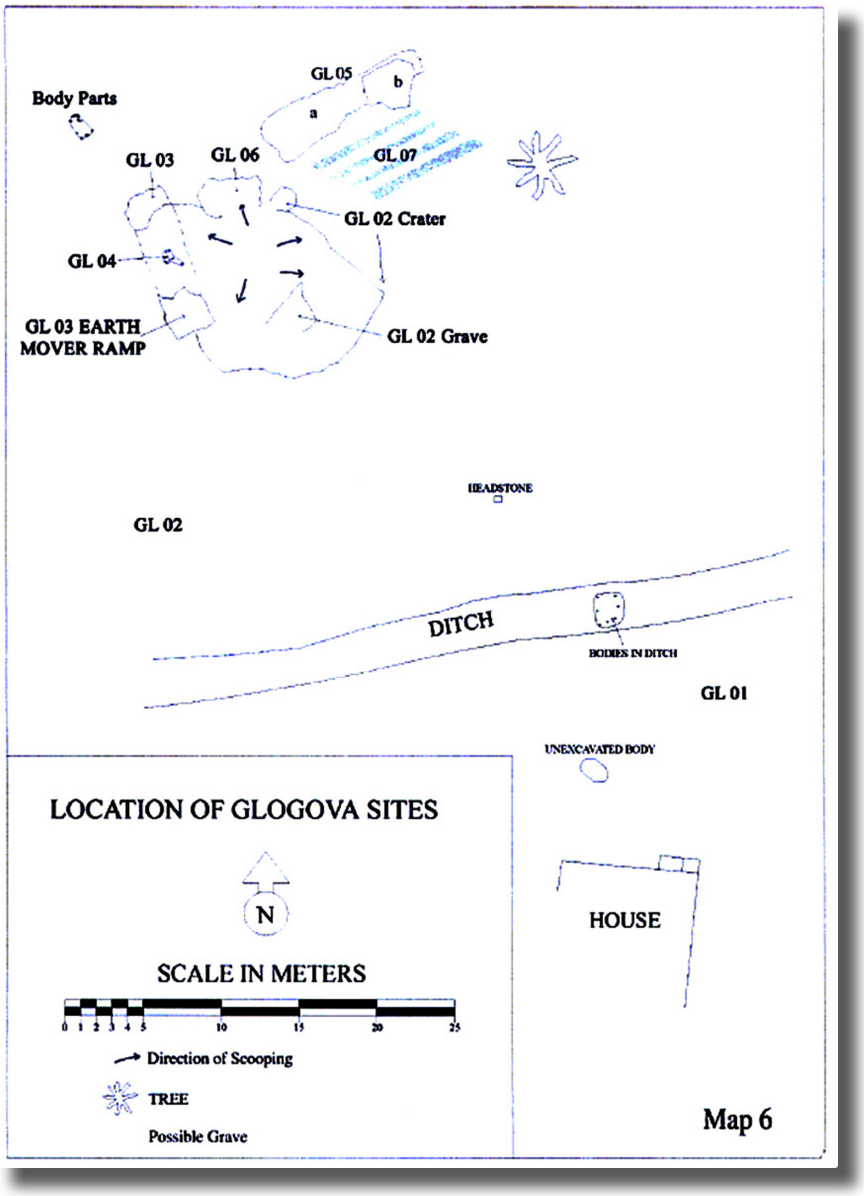


Figure 10. General plan of the Glogova 2 site, during the 1999 excavations
Source: Baraybar, *Report 1999*, p. R1078091, map 6.

Glogova 2, 3, 5 (with its parts "a" and "b") and 6 have been recognized and explored to a depth of approximately 2 meters. Baraybar had primarily decided to remove the entire uneven and disturbed surface level, using a backhoe, excavating the upper layer to a depth of 0.70m.[79] When the surface was cleared and finely scraped, a large irregular area of gray soft deposit, filled with body parts and artifacts was unearthed. This was named the "GL02–crater."[80] Then, with a more careful excavation the site was dug to a depth of 1.20m revealing the top of the GL02–grave and GL06. The area of the "crater" was approximately 15x11m. However, when compared with the site map (cf. Fig. 10), Baraybar's dimensions of both the entire disturbed area, and the area of the "crater", seem imprecise. For example, the total

79 Baraybar, *Report 1999,* p. R1078076, fig. 6.
80 Baraybar, *Report 1999*, p. R1078077 *et pass.*

perimeter of the site is more likely 24.5x18.5m (approximately 454m^2), and the GL02 – "crater" should be 12.9x11m (142m^2). However, the most important fact is correct, that the "crater", the central part of entire site, had been heavily disturbed by later actions of robbing. Grave GL03 was detected just next to the GL02 – "crater", to the west. It also presented a massively robbed long grave (the robbing zone there was named GL04 – Figure 11). Glogova 5 (GL05), located a short distance away to the north of the central zone, was one of the rare undisturbed graves. During the excavations, it became evident that it consisted of two separate, coalescing graves (marked as "a" and "b"), with the majority of remains belonging to more than 80 undisturbed individuals. In the end of 1999 season, Baraybar's team also detected another area with human remains which was marked as GLO7 and left unexcavated.

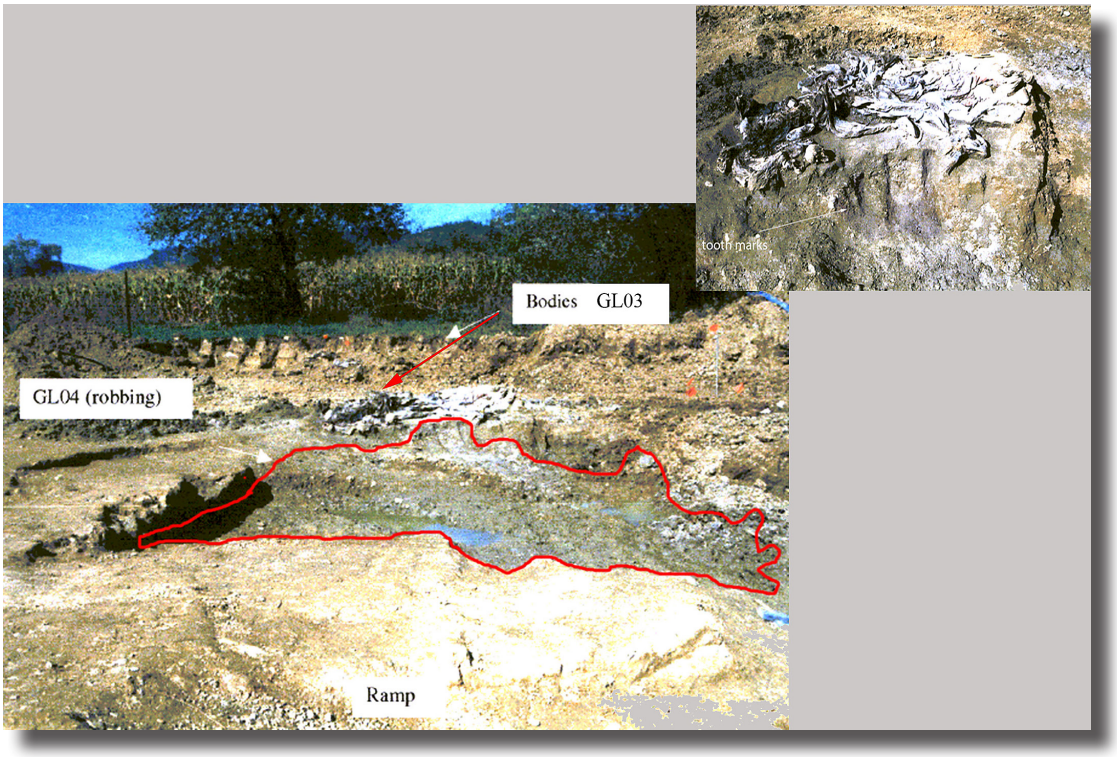


Figure 11. Sub-grave at Glogova 3 with the central robbed zone (GL04), an access ramp in front, and the grave zone with intact bodies behind; a close view showing the western intact part of the GL03 grave, with the edge of the robbing zone (tooth marks)

Created after: Baraybar, *Report 1999*, p. R1078081, photograph 19, and p. R1078082, photograph 20.

In the second field season (2001) that zone was explored, and three separate (but also coalescing) graves were found to the north-east of the central "crater": GL07, GL08, and GL09. The first two were partly robbed, with GL09 untouched (Figure 12).

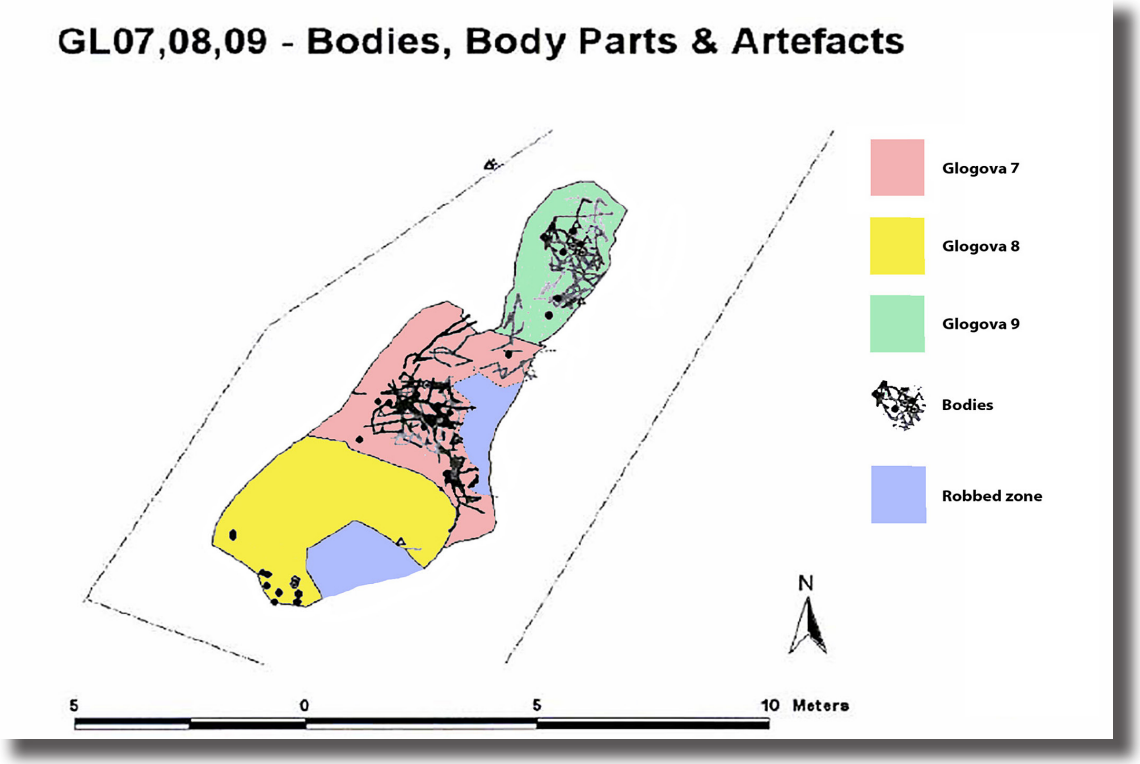


Figure 12. Sub-graves GL07, 08 and 09, excavated in 2001; the precise position of bodies and body parts is marked

Drawn after: Baraybar, *Report 2001*, p. X0167700, fig. 1.

In all eight sub-graves at Glogova 2, a total of 126 bodies and 197 body parts were found. According to Manning,[81] this makes a minimum number of individuals (MNI) of 183. However, according to final DNA identifications made by the ICMP laboratories the total number of identified persons is 172.[82] By sub-graves, the list is as follows (Table 5):

Table 5. Glogova 2 mass grave – data on human remains found in each sub-grave

Sub-grave	Bodies	Body parts	Identified individuals
GL02	11	71	49
GL03	6	13	13
GL04	0	3	2
GL05	73	60	82
GL06	0	7	3

81 Dean Manning, *Srebrenica Investigation. Summary of forensic evidence – Execution Points and Mass Graves,* Formal OTP report to the ICTY (The Hague: ICTY, 2000), p. 00950981; Dean Manning, *Srebrenica Investigation. Summary of forensic evidence – Execution Points and Mass Graves 2001*, Formal OTP report to the ICTY (The Hague: ICTY, 2003), p. X0167714.

82 Janc, *Update 2013*, Annex A, p. X024-0745.

GL07	22	26	25
GL08	0	5	2
GL09	14	12	15
TOTAL	**126**	**197**	191 – 19 (*) = **172**

(*) The number of 19 individuals here is an artificial construct as it represents the sum of the duplicates – i.e. the remains (body parts) of the same individuals were discovered in two or more Glogova 2 sub-graves, and were counted and repeated in the list for each unit: for example, the cases GL02-018BP-LF4-M and GL08-007BP-LMT1-M2 turned out to be one single individual; the same is with GL03-002BPH and GL06-002BP-OC2-M, then GL05-002BP-RF1-M, GL07-007BP-RT1-M, and GL09-021BP-LF1-M, etc.

Bearing in mind the challenging task of estimating the total number of individuals originally buried in the Glogova 2 site, the first question concerns the reliability of written information given by the original excavator, Baraybar. We have already noted above inconsistent numbers and measurements cited in the report from 1999. In addition, confusing numerical data were also present in the later report.[83] For example, presenting newly excavated sub-graves 07, 08, and 09, Baraybar wrote:

> … GL07 was the largest of the three graves with an irregular shape and **measures 15.3x14.9 meters**.[84]
>
> … The feature **measures 11.1x14 meters**. (the size of GL08)[85]
>
> … This shallow grave **measuring 13.5x6.6 meters…** (GL09)[86]

If those figures are correct, it would mean that the entire length of the connected GL08, GL07, and GL09 sub-graves is 42.8 m (the sum of 15.3 + 14.0 + 13.5m). However, a simple overview of Figure 9, using the originally published Baraybar's scale beneath the drawing itself shows that the entire length cannot be more than 12.5 to 13 meters.

This is why it was of crucial importance to generate a correct hybrid map of all sub-graves and features from the Glogova 2 site. After it was created a high resolution digital drawing was used in order to obtain the most precise measures (Figure 13):

83 Baraybar, *Report 2001*.
84 Baraybar, *Report 2001,* p. X0167700.
85 Baraybar, *Report 2001*, p. X0167702.
86 Baraybar, *Report 2001*, p. X0167703.

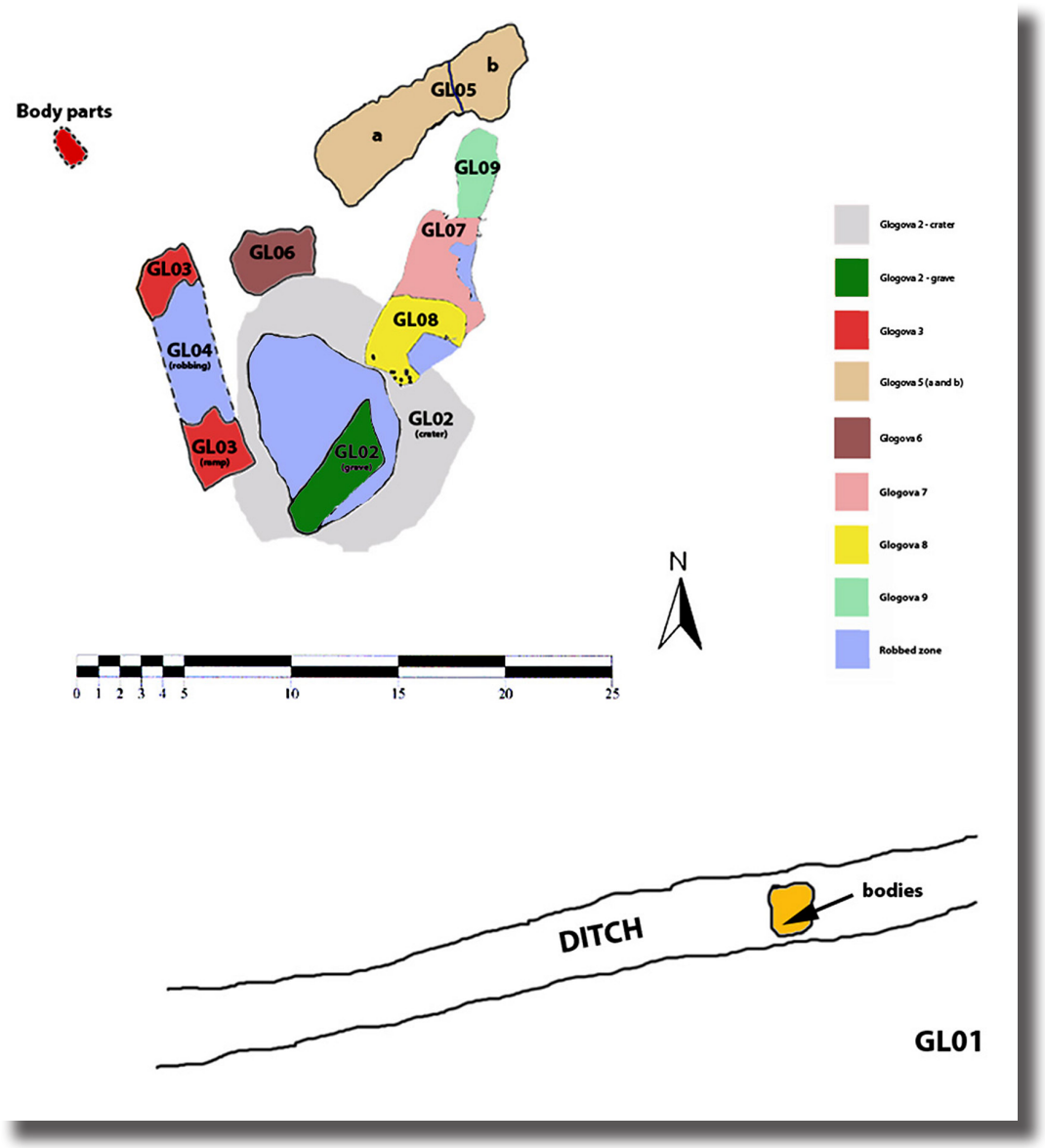


Figure 13. Glogova 2 – a hybrid plan of sub-graves and other features, including robbed zones. *Drawn after:* Baraybar, *Report 1999*, p. R1078091, map 6; Baraybar, *Report 2001*, p. X0167700, figure 1 and p. X0167705, figure 5.

It is important to stress that the drawing has clearly visible and measurable robbed zones (colored in light blue). Due to the fact that Baraybar, and Wright for Glogova 1, did not give precise measurements of depth for any of the sub-graves (we can only assume that the thickness of vertical soil profiles was around 2 m; in a single case Baraybar stated that GL03 "… *was a shallow grave…"*). A solution is to compare the number of bodies found in non-robbed zones and/or sub-graves, calculate their areas, and then make a mathematical prediction for the areas of the robbed zones at the site. This is the reason for taking precise measurements of the Glogova 2 site (Table 6):

Table 6. Size (length, width and calculated area) of the Glogova 2 sub-graves

Sub-unit	Lenght (app., in m)	Width (app., in m)	Area (m^2)
GL02–crater	13.8	12	103.2
GL02–grave	6.1	2.2	12.2
GL02–robbing	9.6	6.5	50.2
GL02 (TOTAL)			165.6
GL03–non-disturbed	2.6	3.0	7.8
GL03–access ramp	3.3	2.9	9.6
GL04–robbing	5.9	3.0	17.7
GL03 (TOTAL)	11.8	3.0	35.1 – 17.7 = 17.4
GL05–„a“	7.3	3.5	25.6
GL05–„b“	4.5	3.8	17.1
GL05 (TOTAL)	11.8	3.6	42.7
GL06	4.0	2.7	10.8
GL07–non-disturbed	4.4	3.0	13.2
GL07–robbing	2.9	1.1	3.2
GL07 (TOTAL)			13.2 – 3.2 = 10.0
GL08–non-disturbed	4.1	4.0	16.4
GL08–robbing	1.8	2.2	4.0
GL08 (TOTAL)			16.4 – 4.0 = 12.4
GL09	4.4	1.7	7.5

In order to calculate the proportion of robbed remains it was necessary to work on each area/grave separately. The history of the site is complex, with graves having been created in a series of episodes. Besides that, additional massive disturbance and later robbing with heavy machinery left huge areas of disruption, such as the "crater" in the central zone of the site that is much wider than the original grave pits. Thus, it was important firstly to try to reconstruct the likely shape and size of the original graves. Using archaeological spatial analysis as the basic layer, then the analysis of DNA connections between the human remains in different Glogova 2 sub-graves (including pathological and anthropological data, as well), the following interpretation was created (Figure 14):

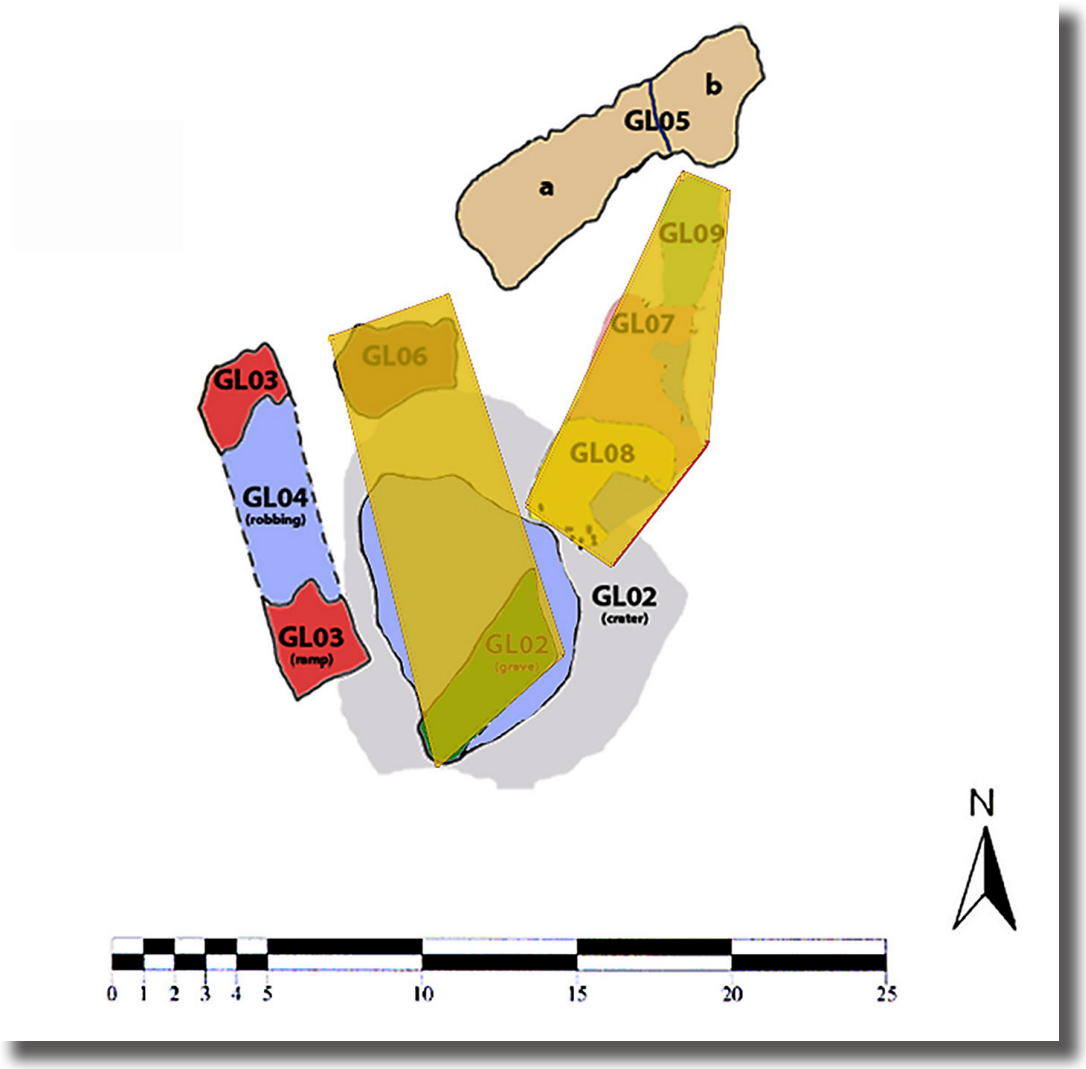


Figure 14. Glogova 2 – interpretation of likely original graves, before robbing

It appears that originally four long trenches, intersected and deepened into a series of two to three adjacent and continuous pits, have been excavated. So, Glogova 2 and Glogova 6 could represent two parts of one long trench, just as with Glogova 7, 8, and 9. Glogova 5 is an example of a non-disturbed two part grave. As Baraybar noted in his description of the sub-graves, the majority were originally excavated by a backhoe mechanical excavator, with the type of "toothed" buckets that have left clear archaeological evidence.[87] The only exception was the sub-grave GL03, with its access ramp, characteristically used for a front end loader.

All of the robbing was done, according to archaeological evidence, using backhoe excavators, or so-called "skips". Baraybar[88] tried to visualize the actions of such a machine during the robbing events, drawing arrows for the directions of the backhoe operations.

As already noted above reconstruction of the missing parts of the sub-graves follows the method applied in the Glogova 1 case.

87 Baraybar, *Report 2001,* X0167693–X0167694, photographs 2–3 *et pass.*
88 Baraybar, *Report 1999,* p. R1078091, map 6.

Thus, for the sub-grave Glogova 2 (GL02-grave), the calculations are as follows:

The area is 115.4m^2, having 49 individuals consisting of 11 bodies and 71 body parts. (Here is important to emphasize that besides these 11 bodies, many of the body parts belong to the GL02–crater, as well as to a much wider area, excavated before the sub-grave GL02 was even discovered, in the scope of an approximately 1.20m thick surface layer.) Thus, if we have in 115.4m^2 49 individuals, then the calculation for the robbed area is

$$115.4 : 49 = 50.2 : x \text{ , where } x = \frac{49*50.2}{115.4} = \text{up to 22 individuals in 50m}^2.$$

The same type of calculation applied to the other robbed sub-graves results in the following data (Table 7):

Table 7. The areas of the non-disturbed vs. disturbed (robbed) Glogova 2 sub-graves and calculated number of individuals originally buried there

Sub-grave	**Area NON-ROBBED (m^2)**	**Area ROBBED (m^2)**	**TOTAL area (m^2)**	**Number of individuals recovered**	**Number of bodies calculated (ROBBED ZONE)**	**TOTAL number of bodies estimated**
GL02 – grave + GL02 – crater	12.2 + 103.2 = 115.4	50.2	62.4	49	22	71
GL03	17.4	17.7 (GL04)	35.1	15	36	51
GL05	25.6 + 17.1 = 42.7	/	42.7	82	/	82
GL06	10.8	/	10.8	3	/	3
GL07	10.0	3.2	13.2	25	8	33
GL08	12.4	4.0	16.4	2	1	3
GL09	7.5	/	7.5	15	/	15
	113.0	74.8	187.8	191	67	**258**

As a final estimation, we can conclude that an area of the Glogova 2 site of around 190m^2 was composed of eight sub-graves (GL02, 03, 04, 05, 06, 07, 08, and 09), which would contain a maximum of 260 individuals. This is archaeologically the largest possible figure.

To conclude, the maximum estimated numbers from Glogova 1 (540) and Glogova 2 (260), would be 800 bodies.

2.3.2. The Branjevo Military Farm Primary Mass Grave

Evidence that the primary mass grave at Branjevo was approximately 5x20 meters in size was derived from the original ICTY/PHR field report by William Haglund.[89] Exhumations at the site were undertaken from 10th to 24th September, 1996. Pathological examinations of the human remains collected there were conducted from 6th to 23rd October, the same year, by Robert Kirschner. In the introductory text of his field report,[90] Haglund states that a large rectangular depression, measuring approximately 5m (North–South) by 20m (East–West) was visible at the beginning of the excavations. This depression represented an "imprint" of the grave below. The only human remains found on the surface were within this zone. It should be noted that Haglund had also excavated Branjevo using the so-called "pedestal" method, which meant that the operatives at the start were aiming to spatially identify the extent of the human body mass within the confines of the grave. Once identified the entire area of soil around the mass of bodies was removed down to the base of the grave. After the stripping of the soil deposits from around the grave the original walls of the grave were destroyed and consequently precise dimensions of the grave pit could not be determined. This is the most probably a likely explanation for confusing information offered on the size of the grave: e.g. entirely different dimensions of the grave were proposed: 10x28x2.5m.[91] However, that particular size does not correspond to any other figures (see below), nor to any other observations in the report. However, to reiterate, applying such "pedestal" methods means that any data on grave dimensions and its precise shape are usually compromised.

Haglund in referring to the "inner" size (5x20x2.5m) in the report was likely presenting the original size of the grave pit, once excavated to receive bodies. Other dimensions (very roughly cited as 10x28x2.5m) could present only the "outer" size of the area of robbing, e.g. the wider zone of later destruction, made by additional activities in order to transfer remains of the victims to a new, clandestine location. If excavated correctly, such a complex stratigraphy would be detected and recorded. This is exactly why the ICMP experts (headed by Ian Hanson, then the Deputy Director of Forensic Science for Archeology and Anthropology) many years later, have produced a document, under the title "Evaluation of Branjevo Farm mass grave report and images."[92]

On this important question of size and capacity, the "imprint" of the grave (surface depression), in this case would be one of the most reliable data sources in order to determine the grave width and length. However, the following analysis will encompass the lowest and highest estimations along with the ICMP later estimations of the grave dimensions.

89 William Haglund, *Forensic Investigation of the Pilica (Branjevo Farm) Mass Grave Site, Bosnia and Herzegovina* (hereinafter: Haglund, *Forensic investigation of the Pilica*), Expert report to the ICTY (The Hague: ICTY, 1998).

90 Haglund, *Forensic Investigation of the Pilica,* p. 01492920.

91 Haglund, *Forensic Investigation of the Pilica*, p. 01492973.

92 ICMP, *Evaluation of Branjevo Farm Mass Grave Report and Images* (hereinafter: ICMP, *Evaluation of Branjevo*), Expert report to the ICTY, (Sarajevo: ICMP, 2013).

The following photographs (Figures 15 and 16), taken on 5th April 1996, illustrate the initial situation at Branjevo discovered by Jean-René Ruez, then the ICTY Chief Investigator for Srebrenica:

Figure 15. General view toward the mass grave at Branjevo in April 1996: J-R. Ruez and his colleague are standing in an artificial depression measuring approximately 20x5m, facing east *Source*: *Prosecutor v. Popović et al.,* Case No. ICTY IT–05–088–T, Outline of Jean-René Ruez testimony (hereinafter: *Prosecutor v. Popović et al.,* Jean-René Ruez testimony) – photographs, maps and aerials + 18 pages of description, September 18, 2006, p. 11, picture 214.

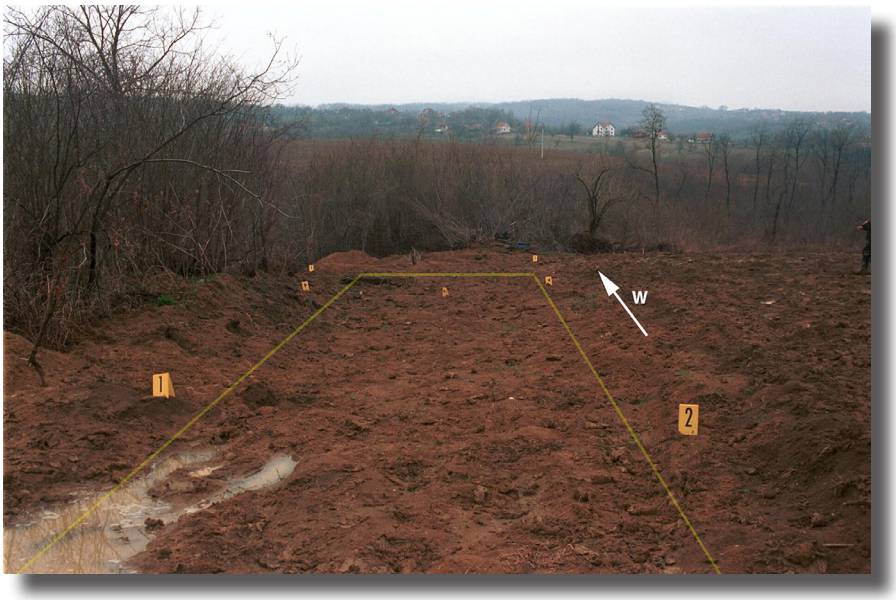


Figure 16. The same depression at Branjevo after an initial scene investigation: yellow lines on the photo are marking the "imprint" of the grave (approximately 20m in length, and 3m in width), with numbered labels marking surface finds

Digitally processed after: Prosecutor v. Popović et al., Jean-René Ruez testimony, p. 11, picture 215.

Map of the site in the beginning of the ICTY excavations, in September 1996 (Figure 17):

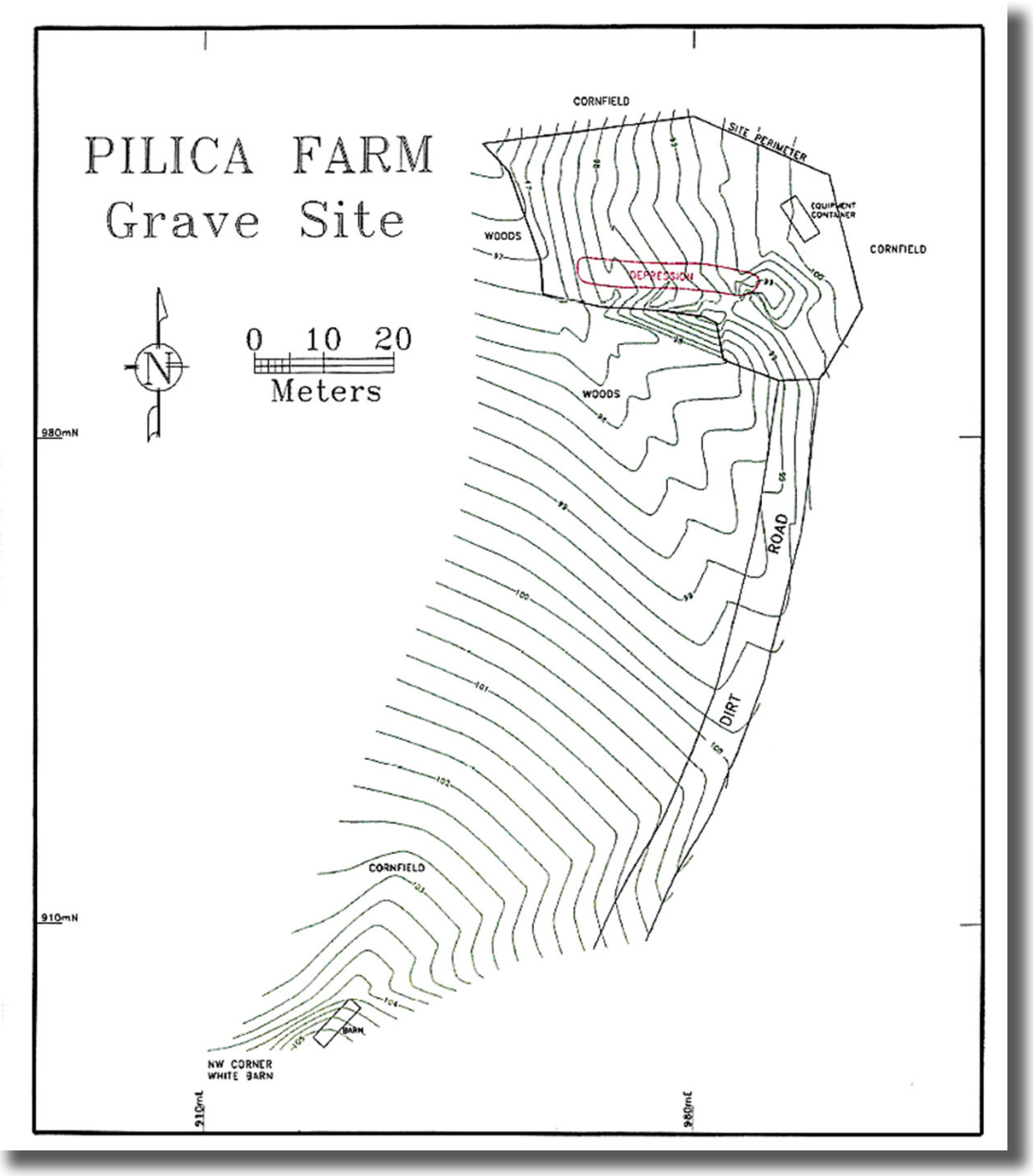


Figure 17. Map of the surface depression at the Branjevo site, before the excavations had started *Source:* Haglund, *Forensic Investigation of the Pilica*, p. 01492922, fig. 2.

Another map produced for the original report (Figure 18) marked the location of the body remains, as well as the probe trenches, namely Trenches 1–3. Those probes yielded no findings.

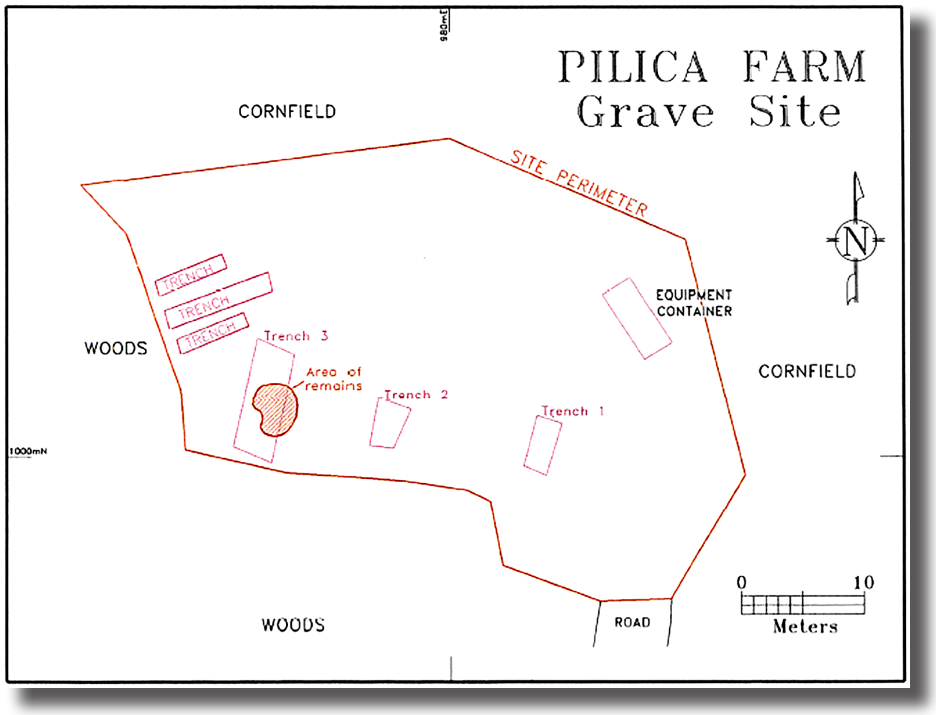


Figure 18. Map showing the excavation trenches, with marked zone of human remains
Source: Haglund, *Forensic Investigation of the Pilica*, p. 01492925, fig. 4.

According to the excavation report, it is certain that the only zone of the mass grave where bodies were found (in fact, the only such deposit ever discovered at Branjevo) is a west-central, irregularly ovoid zone 5m in diameter and 2.5m deep.[93] Within this deposit 264 cases of human remains were found with the majority of them concentrated into a single group on the western section of the grave, while "*…the rest of the grave stayed unoccupied…*"[94]

Based on the presented data the probable range of the number of bodies that the Branjevo mass grave contained before the robbing event might be calculated. Almost all of the findings were in the 5x5x2.5m zone and, according to Janc,[95] 140 individuals were identified from the Branjevo mass grave which means that there were 140 individuals in the space of (V=axbxc) 5x5x2.5m = 62.5m^3. Since the surface "imprint" of the whole grave was 5x20m,[96] we can assume that the volume of whole grave was 5x20x2.5 = 250m^3. This is exactly four times the amount of preserved deposit containing 140 individuals, so presumably there could be 140x4 = 560 bodies buried within the entire grave.

However, more careful analysis of archaeo-forensic data may lead to re-evaluation of the basic count. Firstly, determination of the original size of the grave is necessary (before the robbing action which presumably happened during the last week of September 1995).

93 Haglund, *Forensic Investigation of the Pilica*, p. 01492924.
94 Haglund, *Forensic Investigation of the Pilica*, p. 1492933.
95 Janc, *Update 2013.*
96 Haglund, *Forensic Investigation of the Pilica*, p. 1492920.

From the field report[97] it can be ascertained that human remains were found at a depth of "…. *app. 1.25m*…", with the base of the grave at 2.5m. The maximum thickness of the deposit would therefore be not more than 1.5m, instead of 2.5m. This is obvious in the analysis of the following field photographs (Figures 19 and 20):

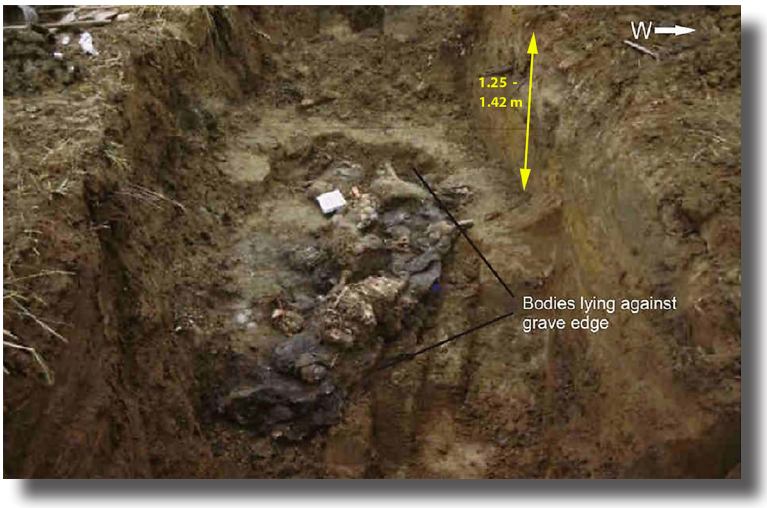


Figure 19. Branjevo field photograph showing the top and vertical profile of the body mass deposit

After: ICMP, *Evaluation of Branjevo,* p. R093-9938, photograph 4.

Figure 20. Working photograph of the body mass "clean off" at Branjevo on the 18th September, 1996: at the far side, a yellow irregular line marked with an arrow on the western vertical profile shows the uppermost level of the deposit, at a depth of (at least) 1m from the surface

Modified after: BBC, *The Srebrenica Massacre. Radio show Witness History* (episode from July 10, 2014): Fig. 1. BBC: World Service Online, accessed April 17, 2020, https://www.bbc.co.uk/programmes/p02226p1.

97 Haglund, *Forensic Investigation of the Pilica*, p. 01492924 *et pass.*

The spatial size of the body mass zone (dump) was stated by Haglund[98] as 5x5m. However, this is at odds with the applied automatic mapping by the EDM total station. Hanson and his collaborators[99] in their evaluation proposed an estimated width of the deposit of not more than 3m. This is probably correct (Figure 21) as the Haglund estimate was given in orthogonal 2D projection, where the outer scattering of body parts had been included into the outline of the deposit (Figure 22).

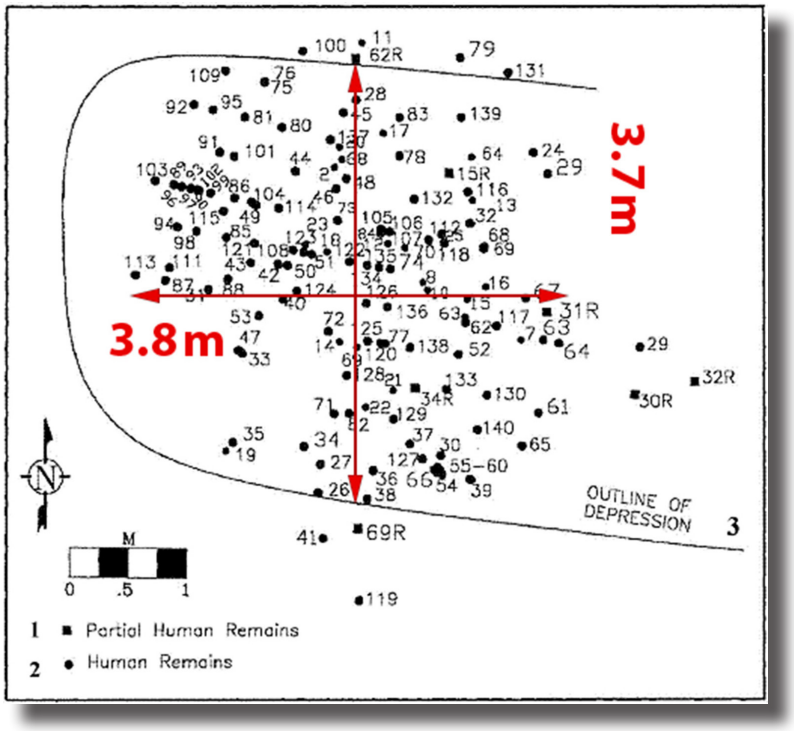


Figure 21. Map of the deposit of the human remains at Branjevo, sized correctly
Modified after: Haglund, *Forensic Investigation of the Pilica,* p. 01492927, fig. 5.

Figure 22. Corrected width of both the deposit, and original grave itself
Source: ICMP, *Evaluation of Branjevo*, p. R093-9939, photograph 5.

98 Haglund, *Forensic Investigation of the Pilica*, pp. 01492924, 01492973 *et pass.*
99 ICMP, *Evaluation of Branjevo.*

Why are these details important for an archaeological analysis? It is because they are based on full integration of the forensic evidence. Thus, basing calculations on a more reliable 3.7 (rounded to 4) meters in width, 3.8 (rounded to 4) meters in length, and a maximum of 1.5m in depth of the body deposit, would give the following count (a – length, b – width, c – depth, V – volume):

(V=axbxc) 4x4x1.5m = 24m^3 having 140 bodies.

In estimating the range of bodies originally inhumed at Branjevo, it is very important to determine the total length of the grave. Haglund had reported 20m (explored by the ICTY/PHR team)[100]. As this is a crucial point the ICMP made a re-analysis of aerial imaginary from the American Central Intelligence Agency (CIA) in 1995 scaling this with known values such as the length of a building in the military farm. They then reconstructed the total length of the freshly excavated pit that was visible in the aerial photograph from the 17th July, 1995. According to the ICMP report,[101] the length was around 40m, and the width of the trench approximately 3m. We have also analyzed the same photograph, using the applied scaling and agree that the width of excavated pit was not more than 3m, particularly as this fits with the width of visible wheel prints from the heavy machine loader used to dig the grave (and we know the exact type and dimensions of the machine used for this particular purpose, see below). However, our finding is that the total length of the pit was maximally 35m (Figure 23):

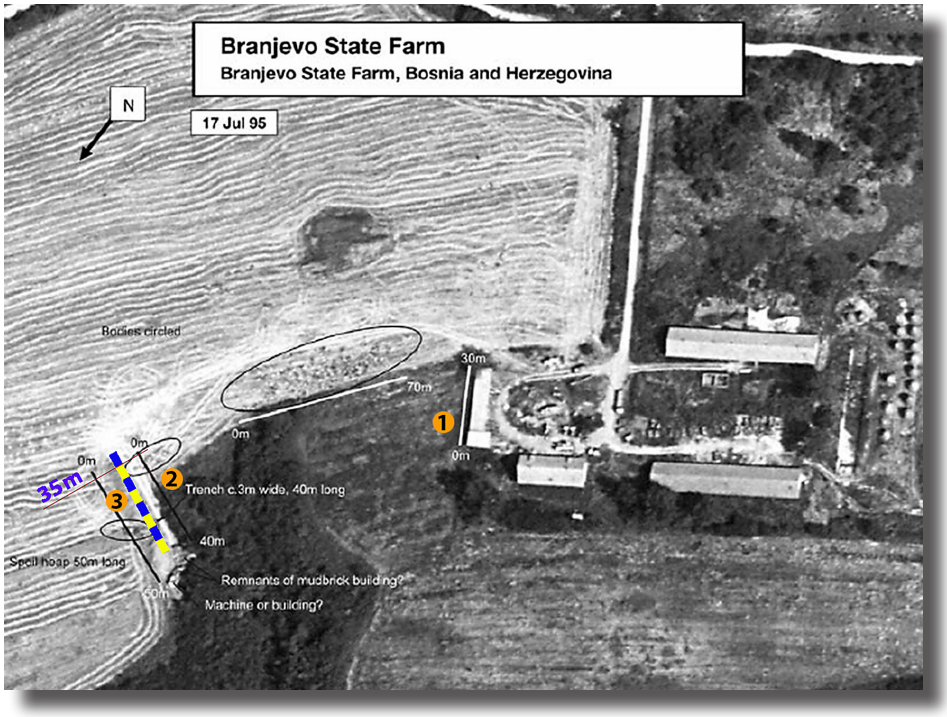


Figure 23. CIA aerial image of the execution point at Branjevo, with a freshly excavated grave; the known length of a military farm building (1), the length of the grave scaled and estimated by the ICMP (2), and the same grave measured by our scaling (3)

Modified from: ICMP, *Evaluation of Branjevo*, p. R093-9933, fig. 4.

100 Haglund, *Forensic Investigation of the Pilica*, p.01492920 *et pass.*
101 ICMP, *Evaluation of Branjevo,* p. R093-9931, paragraph d and p. R093-9933, fig. 4.

Based on a grave length of 40m Hanson asserted that almost one third of the original grave, i.e. around 14m to the east, had been left unexcavated (Figure 24a–b). He also did not accept a plausible explanation that the first 10 to 15m may have been an access ramp for the digger. So, from a total length of approximately 35m (our corrected measurement), we would assert that only 20m of functional grave had been present.

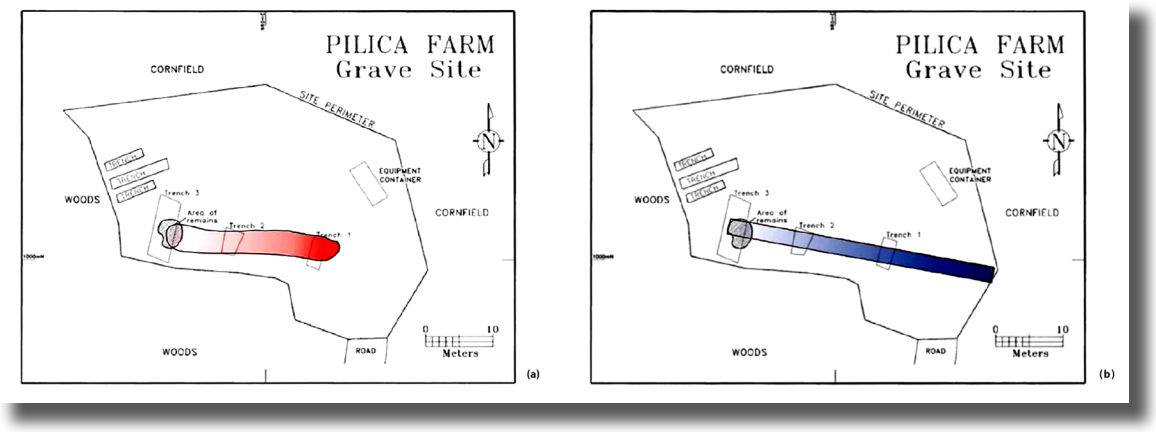


Figure 24. Grave at Branjevo, according to Haglund, 1998 (a), and ICMP, 2013 (b)
Source: ICMP, *Evaluation of Branjevo*, p. R093-9944, fig. 8.

To continue then with our calculation, in order to estimate the range of capacity of the mass grave at Branjevo. It has already been stated that 140 bodies had been found in 24m^3 (4x4x1.5m) of grave. Applying the same calculation to the rest of the grave:

(V=axbxc) 16x4x1.5m = 96m^3, which leads to the equation 24: 140 = 96: $x \Rightarrow x = \frac{140*96}{24} \Rightarrow x = 560.$

This means that 560 bodies could be placed originally in that *robbed* space.

Bearing in mind that the non-robbed part of the grave occupied nearly one fifth of the maximum length of the grave (meaning 140x5 probable bodies) we can estimate that a maximum of 700 bodies could have been in the grave.

The ICMP predicted that the Branjevo grave should contain 1,725 buried individuals (based on 43 DNA reassociations leading from Branjevo to Čančari Road (CR) mass graves). Although they have determined that the majority of individuals from the series of CR graves were robbed and transferred from the Branjevo site the findings of Haglund would not support this assertion. The size of a mass grave needed to accommodate the number of bodies proposed by the ICMP should be significantly larger. That was one of the ICMP reasons for re-examining evidence and conclusions from the 1998 original excavation report.[102] It

102 ICMP, *Evaluation of Branjevo,* p. R093-9927.

appears that the ICMP did not use data from the original excavation report and reassigned new dimensions to the grave at Branjevo. Those new dimensions were based on analyses of aerial imagery.[103] However, the greatest dimensions from the ICMP revision are 10x28x2.5m, which equals 700m^3 in volume. The second highest estimation, based on the autumn 1995 aerial photos (10x22x2.5) gives a volume of 550m^3. It was already stated above that the width of up to 6m could only be related to the "episode" of additional destruction, during the robbing activities in Autumn 1995 (Figure 25):

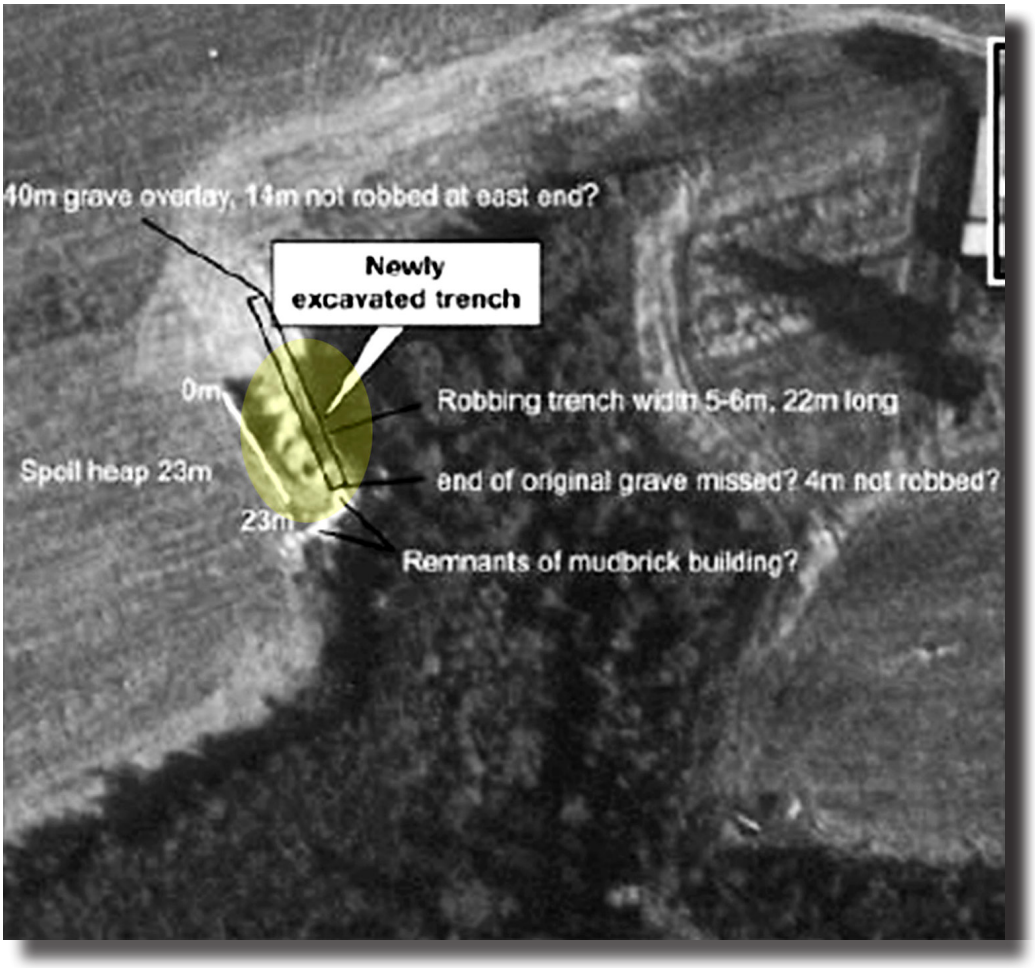


Figure 25. CIA aerial imagery at Branjevo from 27th September, 1995, showing visible results of robbing the grave, marked by the yellow ellipse

Source: ICMP, *Evaluation of Branjevo*, p. R093-9935, fig. 6.

140 individuals were found at Branjevo in 24m^3 of soil deposit, so one can make a calculation for the highest proposed dimensions (22 by 10 by 1.5 meters), applying the same "reduction" to body deposit depth of 1.5m, to have a total of 330m^3, meaning that

$$24 : 140 = 330 : x \Rightarrow x = \frac{140*330}{24} \Rightarrow x = 1{,}925$$

individuals in 330m^3. This figure is evidently much more in agreement with the ICMP

103 ICMP, *Evaluation of Branjevo,* p. R093-9940–R093-9942.

than data that suggests that maximally up to 700 individuals were buried at the Branjevo military farm.

For the second highest ICMP "reduced" volume (240m^3) calculation is

$$24 : 140 = 240 : x, \text{ where } x = \frac{140 \times 240}{24} = 1{,}400 \text{ people in } 240\text{m}^3.$$

In order to check the ICMP Branjevo evaluation paper, the Federal Commission on Missing Persons monitored by ICMP experts, had organized and conducted a field revision campaign in April 2013.[104] The original grave was entirely re-excavated and the focus point was on the eastern part, the "14m of difference", where an additional 400–850 bodies were expected to be found (Figure 26):[105]

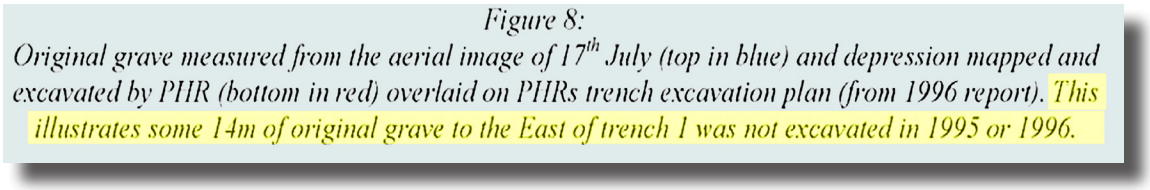


Figure 8:
Original grave measured from the aerial image of 17th July (top in blue) and depression mapped and excavated by PIIR (bottom in red) overlaid on PIIRs trench excavation plan (from 1996 report). This illustrates some 14m of original grave to the East of trench 1 was not excavated in 1995 or 1996.

Figure 26. Description of figure 8 in the ICMP evaluation document; last lines are highlighted by the authors of this chapter

Source: ICMP, *Evaluation of Branjevo*, p. R093-9944.

As a result, only a few body parts that had been left behind were collected, and 14m of grave was found to be completely empty.

In the end, additional indirect evidence should be presented here that could shed new light to the question of the number of victims buried at Branjevo. For many years, the ICTY has received a series of military documents seized from the authorities of the RS Army, and especially from the command of the Zvornik Brigade. Among thousands of different papers, a set of work logs for working vehicles (machines) was found, documenting the history of engineering tasks performed during the war in BiH. Several work logs refer directly to the engagement of a heavy excavator ULT 220 from a (then) state company from Zvornik named "Birač Holding". According to the work log (Figure 27a–c), the machine was engaged on 17th July 1995, "digging trenches in Branjevo". This excavator had been employed two days earlier digging trenches in Orahovac.

104 Janc, *Update 2013,* Annex A, p. X024-0743.
105 ICMP, *Evaluation of Branjevo,* p. R093-9945.

03075564 Translation

VP /Military Post/ 7469 (Form SbSI-54)
ZVORNIK Construction machine owned by Birač Holding

/stamped/

VEHICLE WORK LOG no: 22-1656/95

Valid from	1 July	until	31 July 1995
Type	ULT 220 /Backhoe Excavator/	Reg. no.	
Type of fuel	Diesel	Type of oil:	
Normal fuel consumption		Engine oil	SAE 30
For 100 km		Gear oil	HIP 90
For 1 hour of driving	20	Grease	LIS 2

Rank, first name and last name of driver/user

Veljko KOVAČEVIĆ	

Details of receipt of fuel, oil, etc. in litres

Date	Docu-Ment Number	Fuel	Engine oil	Gear oil	Grease	Anti-Freeze	Mana-ger's signature
15 July	21/3-667	60					/signed/

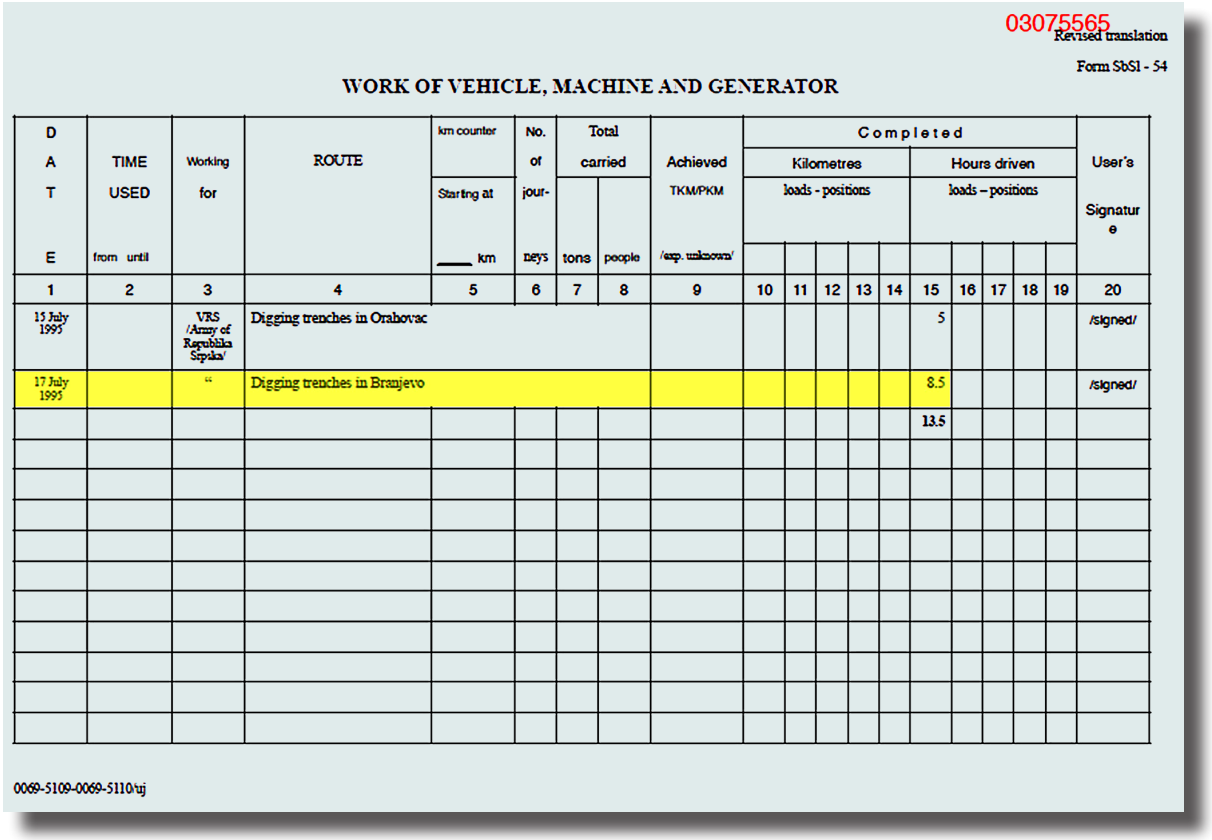
0069-5109-0069-5110/uj

Translation

15 July	"	40					/signed/
17 July	"	100					/signed/
17 July	"	70					/signed/
18 July 1995	21/4-1219		4				/signed/
TOTAL:		270					

F	Full tank		1.
U	Standard issue	270	Officer/assistant of the material and financial organ
E	Actually used	270	2. /signed/
L	Difference	0	Transport officer

0069-5109-0069-5110\uj



03075565

Revised translation

Form SbS1 - 54

WORK OF VEHICLE, MACHINE AND GENERATOR

DATE	TIME USED from	until	Working for	ROUTE	km counter Starting at ____ km	No. of journeys	Total carried tons	Total carried people	Achieved TKM/PKM /exp. unknown/	Completed Kilometres loads - positions					Completed Hours driven loads – positions					User's Signature
1	2		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
15 July 1995			VRS /Army of Republika Srpska/	Digging trenches in Orahovac											5					/signed/
17 July 1995			"	Digging trenches in Branjevo											8.5					/signed/
															13.5					

0069-5109-0069-5110/tj

Figure 27. Vehicle work log 22-1656/95 VP 7469 Zvornik: a) cover page, name of owner company and type of excavator are marked in yellow, b) inner page, with details of receipt of fuel for Branjevo marked in yellow, and c) last page, with date and working hours at Branjevo, marked in yellow, as well

Adopted from: Sense-Tribunal, "Vehicle working log for excavator ULT 220 – Digging trenches in Orahovac and Branjevo on 15 and 17 July 1995", in *Srebrenica – genocide in eight Acts*, 03075564–03075565 (the Hague: Sense News Agency, 2015), accessed in April 18, 2020, https://srebrenica.sense-agency.com/en/, (hereinafter: Sense-Tribunal, "Vehicle working log for excavator ULT 220").

This is a useful discovery as the type of the machine used to create the grave at Branjevo is confirmed as a ULT 220 excavator. The performance and technical characteristics of such a loader are well-known. The most important point is the maximum width of its wheels of 2.9m, and its loading bucket width of up to 3.2m. Thus the issue of the grave trench width can now be resolved at approximately 3m.

Perhaps more importantly it is possible to compare the fuel consumption between the work at Lažete (Orahovac) and at Branjevo. From the work log at Lažete on 15th July, 1995 ("digging trenches") the excavator had used 100 liters of diesel oil, working there for 5 hours, using approximately 20 liters per working hour. Bearing in mind that the two mass graves at Lažete are very different in size (Lažete 1 – ca. 135m^3, and Lažete 2a, 2b and 2c altogether –

not more than 40m^3), it is reasonable to suppose that the ULT 220 excavator was used on July 15, for burying the bodies, and backfilling of both, Lažete 1 and 2 graves. There, up to 440 individuals (LZ1 – 200, LZ2a–c – 240) had been inhumed, originally (the graves, as with the Branjevo grave were later partly robbed). Based on another vehicle work logs the Lažete 1 and 2 graves had likely been excavated, on 14th July 1995, by two smaller backhoe diggers.[106]

Thus, if the ULT 220 excavator had used 100 liters of diesel oil and five working hours to bury less than 450 bodies, and then to backfill both graves at Lažete (altogether 175m^3 of soil), it can be compared with the situation at Branjevo. It is known that the same machine had been working for 8.5 hours on 17th July 1995 at Branjevo, using a total of 170 liters of oil. It is acknowledged that the task there was more complex involving excavating a long and deep trench, and then collecting and bringing bodies 50–120m from the execution point, to bury them and to backfill the grave.

Bearing in mind that this analysis has been made with some reserve, certain conclusions can still be postulated. Based on 5 hours burying and backfilling around 440 bodies at Lažete, with the fuel consumption of 100 liters we can compare it with the situation at Branjevo. There, 8.5 working hours and 170 liters of oil could suggest that a maximum of 750 bodies were buried and backfilled. As the excavator had to also dig the trench first and also transfer the bodies up to 700 individuals may be more realistic.

To summarize:

- The ICTY OTP, as well as later ICMP conclusions on the number of executed/inhumed on 16th and 17th July, 1995 (more than 1,700 individuals) were not supported by a review of the evidence;
- Forensic evidence does support later re-exhumation of remains and transfer to other clandestine location(s), some off the Čančari Road (CR). The evidence found so far, however, is qualitative and does not assist with determination of the exact numbers of cases. For example, direct DNA connections linking Branjevo and particular CR graves are not more than 43 (in one of the latest ICMP scientific contributions, we find even fewer – 41);[107] so it is conjectural to suggest that 1,725 individuals were shot at Branjevo farm and Pilica Dome, buried there and later transferred to Čančari (Figure 28).

106 Sense-Tribunal, "Vehicle Working Log for Backhoe Excavator in Orahovac on 14 July 1995", in *Srebrenica – genocide in eight acts*, 03075564–03075565 (The Hague: Sense News Agency, 2015b), accessed April 18, 2020, https://srebrenica.sense-agency.com/en/; Sense-Tribunal, "Vehicle Working Log for Excavator ULT 220".

107 Parsons et al., "Large scale DNA identification: the ICMP experience." *Forensic Sci Int Genet* 38, (2019), p. 241, fig. 1.

1,725 DNA profiles are linked to Branjevo Farm and Cancari Road secondary grave sites thought to be or demonstrated to be from the Branjevo Farm grave.

Figure 28. Excerpt from the ICMP 2013 analytical document, section "Estimation"
Source: ICMP, *Evaluation of Branjevo*, p. R093-9945.

- Analyses of the original shape, size, and context have resulted in our final estimation of the capacity of the primary mass grave at Branjevo. That estimation suggests a range of **from 560 (on the basis of Haglund's numerical data) to 700 individuals.**

2.3.3. The Red Dam (Dam near Petkovci) Primary Mass Grave

This site was discovered on 1996 by the ICTY criminal investigator Jean-René Ruez. He found a disturbed area on the access plateau to the dam, made of quarried stone boulders, that was supposed to be an execution site with an associated mass grave (Figure 29):

Figure 29. General aerial view of the Red Dam nearby Petkovci, filmed in 1996: the location of the mass grave is marked by a blue arrow
Source: *Prosecutor v. Popović et al.,* Jean-René Ruez testimony, p. 2, picture 170.

During two short fieldwork campaigns in 1996 and 1997 Ruez discovered many small fragments of human bones, shell cases, blindfolds and other artifacts in a large area of surface on the plateau. After basic digging probes using a mechanical excavator, the frame of the grave could be outlined (Figure 30):

Figure 30. Ruez's estimation of the size and shape of the mass grave, according to surface finds, excavation probes, and aerial photography analysis

Source: *Prosecutor v. Popović et al.,* Jean-René Ruez testimony, p. 2, picture 184.

The Red Dam mass grave (Figure 31) was excavated by the ICTY team led by Richard Wright from 15th to 25th April 1998. Wright concluded from examination of the stratigraphy that it was a primary grave that had been robbed of bodies, containing only a residue of grossly disarticulated body parts.[108]

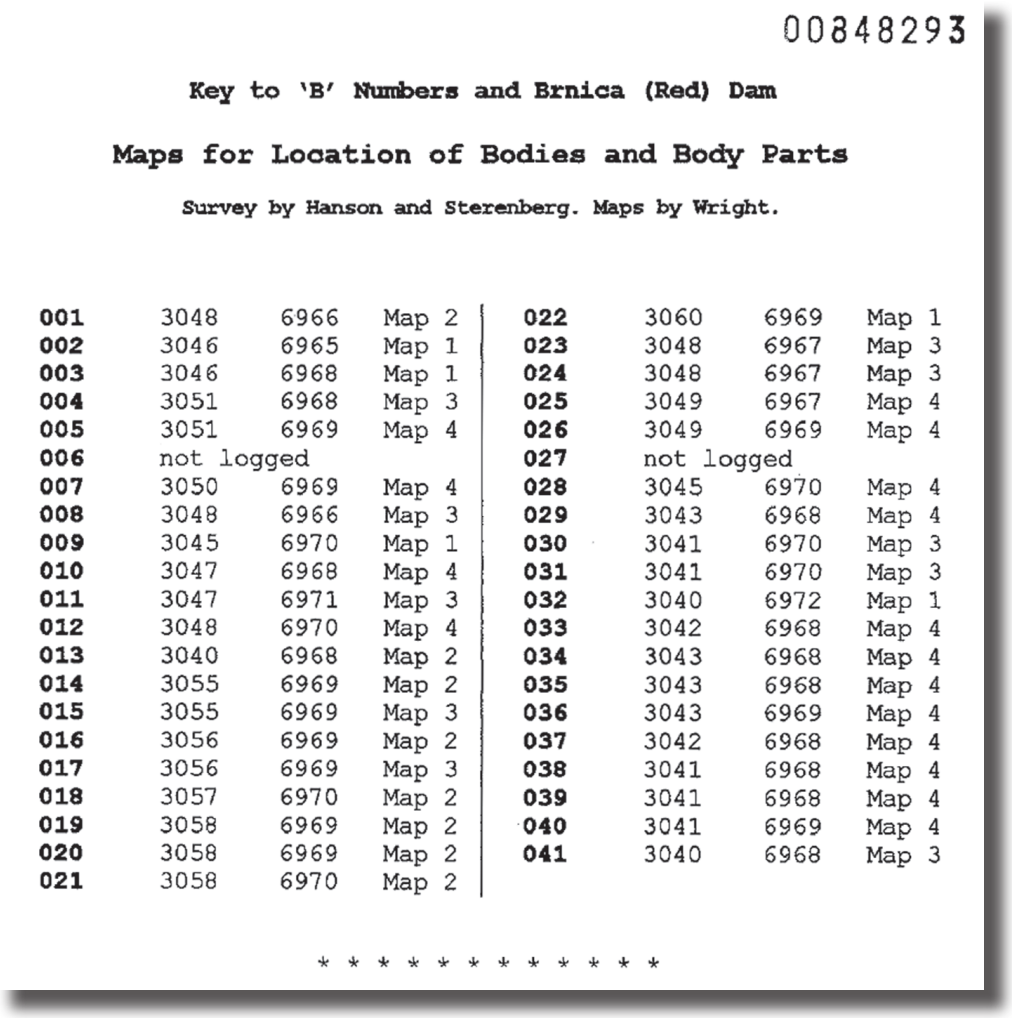
Figure 31. Plateau under the dam, near the village of Petkovci, Zvornik municipality

Source: *Prosecutor v. Popović et al.,* Jean-René Ruez testimony, p. 2, picture 185.

108 Richard Wright, *Exhumations in Eastern Bosnia in 1998*, Formal report to the ICTY (The Hague: ICTY, 1999), p. 00848221.

Grossly disarticulated body parts are found throughout the filling of the Red Dam grave but most frequently on the bottom of the grave and up the ramp.[109] It can be deduced from the report (see image below) that a total of 41 body parts were found in the grave:[110]

The figure below (Figure 32) shows a section of the report with information about the number and location of body parts within Red Dam mass grave:



00848293

Key to 'B' Numbers and Brnica (Red) Dam

Maps for Location of Bodies and Body Parts

Survey by Hanson and Sterenberg. Maps by Wright.

001	3048	6966	Map 2	**022**	3060	6969	Map 1
002	3046	6965	Map 1	**023**	3048	6967	Map 3
003	3046	6968	Map 1	**024**	3048	6967	Map 3
004	3051	6968	Map 3	**025**	3049	6967	Map 4
005	3051	6969	Map 4	**026**	3049	6969	Map 4
006	not logged			**027**	not logged		
007	3050	6969	Map 4	**028**	3045	6970	Map 4
008	3048	6966	Map 3	**029**	3043	6968	Map 4
009	3045	6970	Map 1	**030**	3041	6970	Map 3
010	3047	6968	Map 4	**031**	3041	6970	Map 3
011	3047	6971	Map 3	**032**	3040	6972	Map 1
012	3048	6970	Map 4	**033**	3042	6968	Map 4
013	3040	6968	Map 2	**034**	3043	6968	Map 4
014	3055	6969	Map 2	**035**	3043	6968	Map 4
015	3055	6969	Map 3	**036**	3043	6969	Map 4
016	3056	6969	Map 2	**037**	3042	6968	Map 4
017	3056	6969	Map 3	**038**	3041	6968	Map 4
018	3057	6970	Map 2	**039**	3041	6968	Map 4
019	3058	6969	Map 2	**040**	3041	6969	Map 4
020	3058	6969	Map 2	**041**	3040	6968	Map 3
021	3058	6970	Map 2				

* * * * * * * * * * * * *

Figure 32. Section of the report with information about the number and location of body parts within the Red Dam mass grave

Source: Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848293.

According to the ICTY and by means of DNA analyses, the 41 body parts found in the Red Dam grave corresponded to 19 identified individuals (Figure 33):[111]

109 Wright, *Exhumations in Eastern Bosnia in 1998,* p. 00848234.
110 Wright, *Exhumations in Eastern Bosnia in 1998,* p. 00848293.
111 Janc, *Update 2013,* Annex A, p. X024-0735.

Mass and other Graves	Site Code	Exhumation Date	Identified Individuals	
			Jan 2012	Apr 2013
Cerska	CSK	7 - 18 July 1996	149	149
Nova Kasaba 1996	NKS1, NKS2, NKS3, NKS4	20 - 26 July 1996	33	33
Nova Kasaba 1999	NK04, NK06, NK07, NK08	18 August - 6 Stember 1999	53	53
Orahovac 1 (Laiete 1)	LZO1	13 July - 3 August 2000	119	120
Orahovac 2 (Laiete 2)	LZ02	19 August - 9 Sei:> tember 1996	189	188
Branjevo Military Farm (Pilica)	PLC	10 - 24 September 1996	138	140
Dam Near Petkovci	DAM	15 - 25 April 1998	19	19
Kozluk	KKO1, KKO2, KKO3	24 June - 6 August 1999	336	341
Glogova 1	GLO 1	7 August - 20 October 2000	226	227
Glogova 2	GL02, GLO3, GL04, GL05, GL06, GL07, GL08, GL09	11 September - 22 October 1999	171	172

Figure 33. Section of Janc's report to the ICTY showing identified individuals per site – the Petkovci Red Dam is in addition marked by the light blue color

Source: Janc, *Update 2013,* p. X024-0735.

The Red Dam grave was excavated down to the limestone boulders that formed the retaining structure of the dam.[112] The access ramp for the mechanical excavator that robbed the bodies is located at the eastern end of the grave. The original base of the grave (before robbing) was preserved in places, although subsequently cut into by the excavator that removed the bodies (Figure 34).[113]

Figure 34. The ramp of the grave, base and profile

Source: Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848376, photograph 1.

112 Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848234 *et pass.*
113 Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848234.

The image below (Figure 35) shows part of the Red Dam profile and base filled with freshly quarried limestone boulders:

Figure 35. Part of the Red Dam profile and base filled with freshly quarried limestone boulders
Source: *Prosecutor v. Popović et al.,* Jean-René Ruez testimony, p. 2, picture 186.

All boulders from the grave showed unweathered fractured surfaces consistent with freshly quarried blocks.[114] Also, pieces of greenish/blue clay were found in the deposit re-filling the grave.[115] As the secondary mass grave Liplje 2 (LP02), 14km from the Red Dam, contained unweathered limestone boulders, similar pieces of green clay and grossly disarticulated bodies, it is very likely that LP02 is one of the places where bodies from the Red Dam were taken.[116]

The image below (Figure 36) shows part of the LP02 secondary grave base with freshly quarried limestone boulders that resemble those found in the Red Dam primary grave.

114 Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848233
115 Wright, *Exhumations in Eastern Bosnia in 1998.*
116 Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848234.

Figure 36. Part of the LP02 secondary grave base with freshly quarried limestone boulders that resemble those found in the Red Dam primary grave

Source: Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848378, photograph 2; cf. image above.

Further, DNA investigations[117] showed that the Red Dam grave had six connections to Liplje 2 and 31 more (in total) connections to Liplje 1, Liplje 3, Liplje 4, and Liplje 7:[118]

Table 8. DNA connections between the Red Dam and Liplje (LP) sites and connections between the Liplje sites themselves

Dam near Petkovci – Liplje 1	4
Dam near Petkovci – Liplje 2	*6*
Dam near Petkovci – Liplje 3	*4*
Dam near Petkovci – Liplje 4	*16*
Dam near Petkovci – Liplje 7	*7*
Liplje 1 - Liplje 2	*11*
Liplje 1 - Liplje 3	*12*
Liplje 1 - Liplje 4	*2*
Liplje 2 - Liplje 7	*13*
Liplje 3 - Liplje 4	*13*
Liplje 4 - Liplje 7	*1*
Liplje 2 – Cancari road 3	*1*

Made after: Janc, *Update 2013*, p. X024-0735.

117 Parsons *et al.*, "Large Scale DNA Identification: The ICMP Experience".
118 Janc, *Update 2013.*

From these 37 DNA connections between the Red Dam and Liplje sites the ICTY OTP deduced that all bodies from named Liplje sites (around 800) came from the Red Dam:[119]

Table 9. The ICTY claims that all 796 bodies from the Liplje sites came from the Red Dam grave based on only 37 DNA connections

Petkovci	Dam near Petkovci	19
	Liplje 1	159
	Liplje 2	172
	Liplje 3	57
	Liplje 4	292
	Liplje 7	116
	TOTAL PETKOVCI	815

Made after: Janc, *Update 2013*, p. X024-0774.

From the total of 815 cases should be subtracted 19 individuals from the Red Dam body parts assemblage because they are also represented in the Liplje assemblage, as shown via DNA connections analysis. Also, connections between Liplje sites (see image with DNA connections) means that the same individual may be counted in both Liplje 1 and Liplje 2, and therefore half the number of DNA connections between Liplje sites (52 / 2 = 26) should be subtracted from the total number. Thus, estimations about the number of people buried in the Red Dam grave are based on presumptions that all bodies from the Liplje sites originated from the Red Dam, giving 815 – 19 – 26 = 770.

Other information on the possible number of bodies from the original Red Dam assemblage came from the Court of Bosnia and Herzegovina through a verdict in the case of the State Prosecutor's Office against Ostoja Stanišić and Marko Milošević, case no.: S 1 1 K 010315 12 Krl. In the text of verdict it was stated that more than 700 imprisoned men were executed and buried into the mass grave at the Red Dam location:

> On 14 and 15 July 1995, under the command and supervision of the accused Ostoja Stanišić, members of the 6th Battalion participated in the reception and security with other members of the VRS, several hundred captured Bosniak men, who were brought by buses and trucks from the UN Protected Zone, Srebrenica, to Petkovci, Zvornik municipality, which the accused knew would be shot after temporary detention, which prisoners were held in the New School in Petkovci (elementary school "Desanka Maksimović"), without adequate accommodation, sanitary conditions, without sufficient food, water, where captured Bosniaks were exposed to fights, insults, incitement

119 Janc, *Update 2013,* p. X024-0774.

to fear, shooting at prisoners, so that by the evening of July 14 at least 20 prisoners around the New School were killed, after which the prisoners were handcuffed and transported by truck from the New School to **the Red Dam** location, where over **700** captured Bosniak men were shot from the evening of 14 July until the afternoon of 15 July, and the accused and Ostoja Stanišić, in order to hide the committed crime, hired members of the 6th Battalion to hide the bodies of the killed prisoners in a mass unmarked grave on the Red Dam, together with members of the Zvornik Brigade Engineering Company with a backhoe and a loader, and ordered a group of 6th Battalion members to, using the battalion's vehicles and a fire tank from the Zvornik Brigade, remove traces of blood and corpses of slain prisoners around the New School and other places in Petkovci and took them to the Red Dam, and to bury them in a mass unmarked grave.[120]

According to the Court of Bosnia and Herzegovina the number of individuals buried in the Red Dam mass grave was more than 700.

From a forensic archaeology perspective, it is difficult to give an estimation due to the lack of information about the dimensions of the original grave, as the dimensions of the burial found by the ICTY are those of a robbed grave. Machined grave robbing inevitably destroys the original grave construction and enlarges its dimensions. In the case of the Red Dam site the depth stayed approximately the same as the original base of the grave (before robbing) and is preserved in places.[121] Thus, the depth of the original grave could be approximated from the EDM total station measurements of the grave profile.

The southern vertical cross section of the Red Dam mass grave is shown in Figure 37:

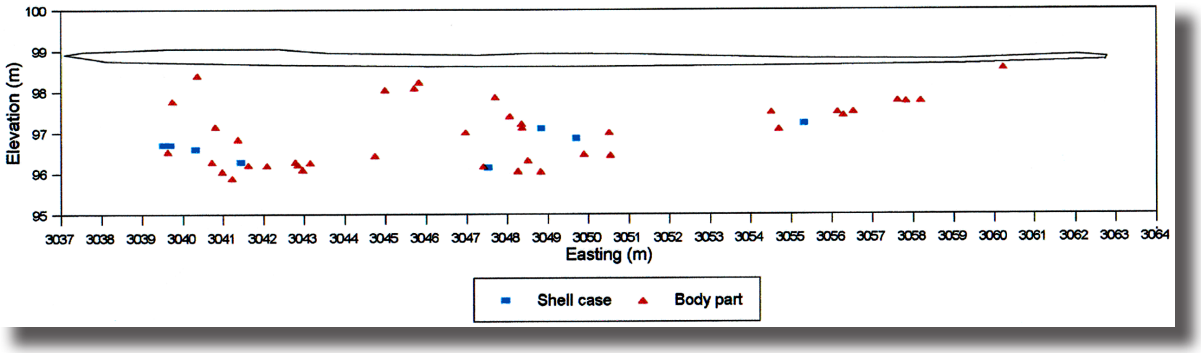


Figure 37. Southern vertical profile (west to east) of the mass grave at Petkovci, showing the distribution and total depth of the human remains (body parts) and artifacts

Source: Wright, *Exhumations in Eastern Bosnia in 1998*, Attachment 3, p. 00848269.

It is appropriate to explain here that the use of the EDM total station by the forensic team at Petkovci for an automatized survey of each particular finding had helped to produce very precise schematic drawings. Similar to the issue of the so-called "Northings" and "East-

120 *Predmet Tužilaštva Bosne i Hercegovine protiv Ostoje Stanišića i Marka Miloševića.* Predmet br.: S 1 1 K 010315 12 Krl: 6–7 [*BiH Prosecution v. Ostoja Stanišić and Marko Milošević*, Case No. S 1 1 K 010315 12 Krl: 6–7], Sud Bosne i Hercegovine, 2017) 6–7.

121 Wright, *Exhumations in Eastern Bosnia in 1998*, p. 00848234.

ings" (explained in the section "Glogova 1" – see above), where all two dimensional spatial values have been expressed in Cartesian absolute values relative to a set of arbitrary survey points, such as "6968.22m Northing, 3041.57m Easting", the same principle had been applied to the third spatial dimension – depth. It used to be expressed as the absolute elevation. So, every single piece of clothing, or shell case, or body part, as well as the soil deposits, were all expressed as the absolute value above sea level (asl). One can detect, following the archaeological plan in Fig. 37, that the "zero ground", i.e. the uneven surface level was at approximately 99m asl, and that the grave base falls at an elevation of approximately 96m asl. This simply means that the total depth of the grave presents the difference between 99 and 96m, which is –3 meters. It appears that the deepest body part in the grave was recorded at approximately 96m asl, and the shallowest one at 98.5m asl (cf. image above), while the actual surface was approximately 99m asl. It can be deduced that the deepest section of the grave deposits was approximately 2.5m (98.5–96m) of relative depth. At the ramp end of the grave the depth was around 2m with body parts appearing at 96.5m asl. Ramp mass graves tend to be deepest at the opposite end to the access ramp as front end loader excavators tend to dig deeper further in. Access ramps in secondary mass graves were not used for body deposition due to the shallow depth of most of the ramp. The case of Red Dam is probably the same, with body parts scattered along the ramp, shown in the above figure, not *in situ* as they were dislocated by the machine during robbing.

An average usable depth for the Red Dam grave is, therefore, 2.25m (average between the deepest 2.5m section and the shallowest 2m section – Figure 38):

Figure 38. Footage from the ICTY excavation of the Red Dam grave (2m scale + prism height) *Source:* Wright, *Exhumations in Eastern Bosnia in 1998.*

Other dimensions of the original grave remain uncertain. Measurements can be taken from the robbed grave and scaled down to the width of a front end loader bucket as ramp graves are commonly 3 to 3.2m wide, depending on the loader bucket size. The robbed grave length is probably a little higher than the original grave, but not by much. It is notable on the vertical section map (Figure 37) that these body parts and artifacts on the base toward the end of the grave are at higher elevation then those in the rest of the grave. This elevation difference of the grave base was created during the grave construction by the front end loader.

One can learn, following the map's scale, that the effective grave length (deposition space) was nearly 16m. (The grave ends at around 3038m to the west, and its access ramp starts at around 3054m to the east, the difference being 3054 – 3038 = 16m.) It should also be explained that the authors in their original report produced geo-referenced maps expressed in meters, in order to position the grave in a broader spatial context. Even though it is practical for the EDM total station to use at least two fixed and visually stable landscape points as the reference survey points (such as a church or a mosque, a town school, etc.), there is no key explaining their choice of objects so far away from the site – the first more than 3km away to the west, and the second almost 7km to the south. Thus, the mass grave at the Petkovci Red Dam is positioned approximately between 3,037 and 3,063 meters on a west–east axis – and 6,964 and 6,974 meters on a south–north axis.)

We have already deduced above that the average depth of the grave was 2.25m (cf. Fig. 37 et pass).

The width of the grave can be assessed through mapping data from the original ICTY report (Figure 39):

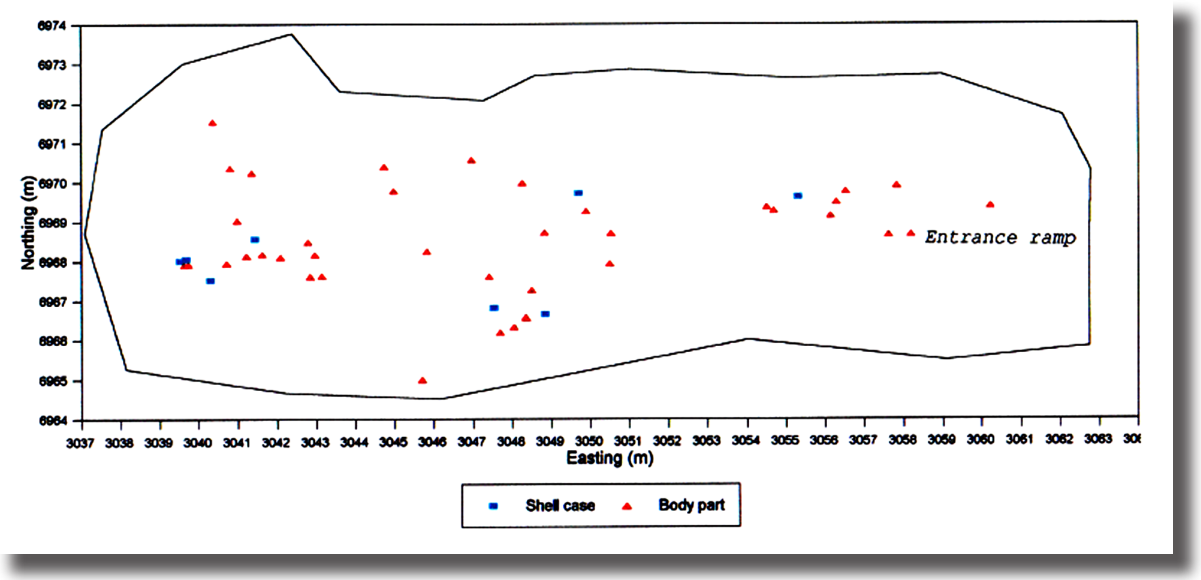


Figure 39. Surface contour with scales of the robbed Red Dam grave

Source: Wright, *Exhumations in Eastern Bosnia in 1998,* p. 00848268.

The map represents the surface contour of the grave which is much wider than the bottom, due to modification during grave robbing. The width on the surface varies significantly but averages between 6,967 (south) and 6,972m (north – cf. Fig. 39) which is a 5m difference (subtracting these two northings gives 5m: 6972 – 6967 = 5m). The surface measures are not the real width of a grave. A 3D contour of the robbed Red Dam grave (Figure 40a) shows that the bottom of the grave is much narrower than the surface and corresponds to the front end loader machine bucket size of 3 to 3.2m. In support of this is Wright's finding that the base of the Red Dam grave was somewhat preserved[122] – Figure 40b:

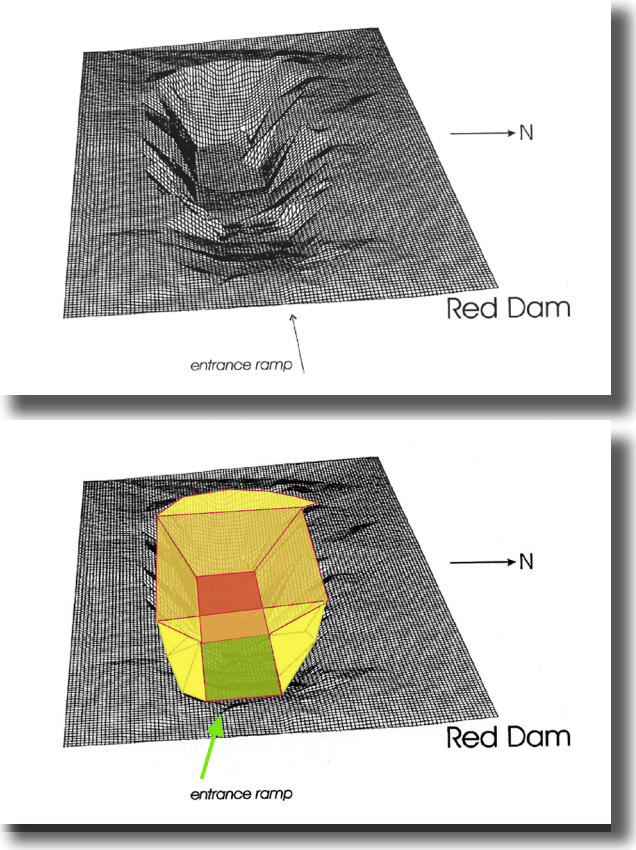


Figure 40. a) three dimensional contour of the Red Dam mass grave

Source: Wright, *Exhumations in Eastern Bosnia in 1998* p. 00848262; and b) our interpretation of the original shape of the grave marked with red color.

The volume of the grave without its access ramp is 16x2.25x3.2m = 115.2m^3.

Comparing the Red Dam volume with data for volume per number of bodies from the already known Branjevo site (cf. above-described analysis) where 140 bodies were found in situ in 24 m^3 of volume, we can calculate approximately the number of bodies that may have been buried into the Red Dam grave.

$$24 : 140 = 108 : x, \text{ where } x = \frac{140*115.2}{24} = 672 \text{ individuals in } 115.2\text{m}^3.$$

122 Wright, *Exhumations in Eastern Bosnia in 1998.*

In conclusion, this estimation varies from the ICTY DNA-based data that give the highest value of 770 bodies in the Red Dam grave before robbing. The Court of Bosnia and Herzegovina gives a number of more than 700, and utilizing a forensic archaeology approach gives an estimation of 672 bodies in the original Red Dam assemblage.

2.3.4. Primary Mass Graves at Lažete

In the beginning of April 1996, the ICTY criminal investigator Jean-René Ruez, after his analysis of aerial photographs made by the CIA in the summer of 1995, had marked a site of interest at a place near Orahovac, called Lažete. According to previous intelligence records, the first of a series of mass executions of military detainees in the Zvornik region occurred here (Figure 41).

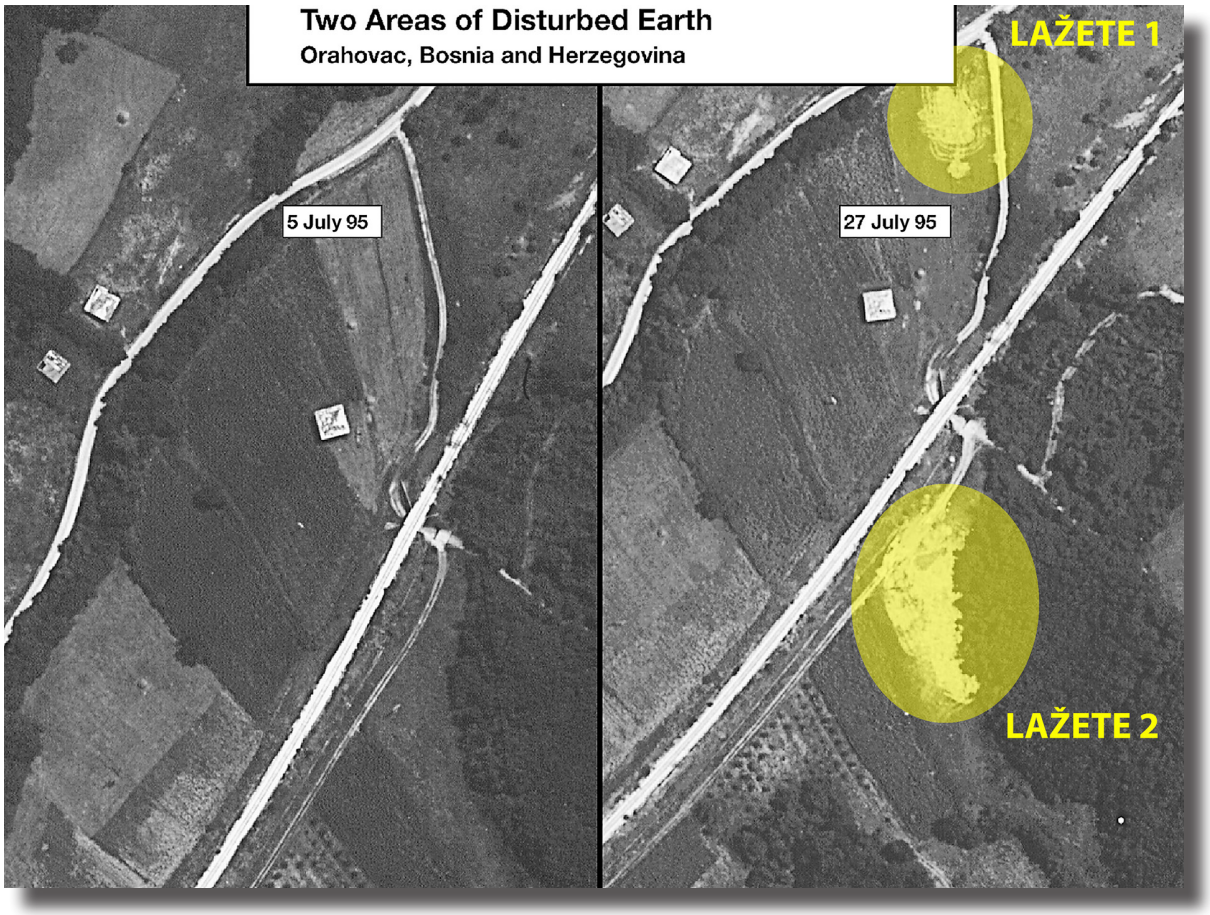


Figure 41. Aerial imagery of Lažete from July 1995: two adjacent zones of disturbed surface are clearly visible

After: Prosecutor vs. Popović et al., Jean-René Ruez testimony, p. 8, slide 136.

Ruez organized a field survey and found evidence of execution points with primary mass graves designated Lažete 1 and Lažete 2. Lažete 1 grave is situated in a V-shaped junction of local road, next to the eastern side of the railway Zvornik–Tuzla (Figure 42):

Figure 42. Initial field examination of the complex site of Lažete, held on 3 April 1996 by J-R. Ruez: Lažete 1 is marked by yellow dashed ellipse

Source: *Prosecutor vs. Popović et al.*, Jean-René Ruez testimony, p. 8, slide 151.

Lažete 1

This site was excavated and fully explored in the summer of 2000 by an ICTY expert team led by a Guatemalan anthropologist, Fredy Peccerelli.

In his clear and archaeo-forensically convincing report he demonstrated the site history, shape and size, content, taphonomy, and internal dynamics.[123]

Lažete 1 represents a single primary grave; a few human remains were also found in a nearby small narrow ditch (Figure 43):

Figure 43. Aerial view of the Lažete 1 site during excavations

Source: Peccerelly, *Lazete 1*, p. X0064004, fig. 2.

123 Fredy Peccerelli, *Lazete 1, Bosnia and Herzegovina – Excavation and Exhumation Report* (hereinafter: Peccerelli, *Lazete 1*), Formal report to the ICTY OTP (The Hague: ICTY, 2000).

After careful and controlled heavy equipment removal of topsoil, a blue-grayish zone of disturbed earth was revealed (Figure 44):

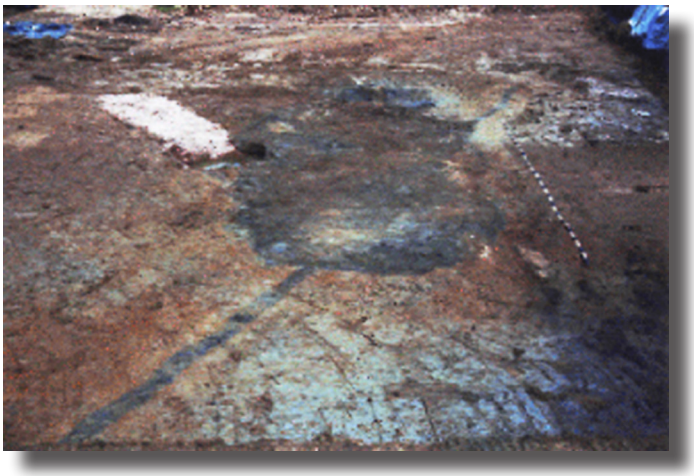


Figure 44. Upper surface of the Lažete 1 mass grave after scraping and cleaning the surface: a narrow side channel for a local fresh water supply pipe (cut by excavated pit) is visible on the left lower corner of the photograph

Source: Peccerelli, *Lazete 1,* p. X0064012, fig. 19.

The grave itself had an irregular ovoid shape, measuring approximately 15.8x5.8 meters, with a maximum depth of approximately 1.4 meters.[124] So, the maximum volume of the grave was between 125 and 128m^3 (its three dimensional shape was uneven, and the grave had been not filled to its full capacity – cf. Figure 45).

A total of 129 bodies were present (127 bodies in the grave, as well as 2 bodies in the above mentioned ditch), with 13 additional body parts subsequently discovered.[125] The exhumation followed strict methods of forensic field archaeology, so the entire feature of the body mass is clearly visible (Figure 45):

Figure 45. Archaeologically defined body mass in the Lažete 1 primary grave; it is obvious that in some parts of the grave subsequent robbing had occurred

Source: Peccerelli, *Lazete 1,* p. X0064013, fig. 21.

124 Peccerelli, *Lazete 1*, p. X0064013.
125 Peccerelli, *Lazete 1,* p. X0064013 *et pass.*

During the exhumation of human remains, all of the important contextual data were collected, so there is a proper picture of their spatial distribution (Figure 46):

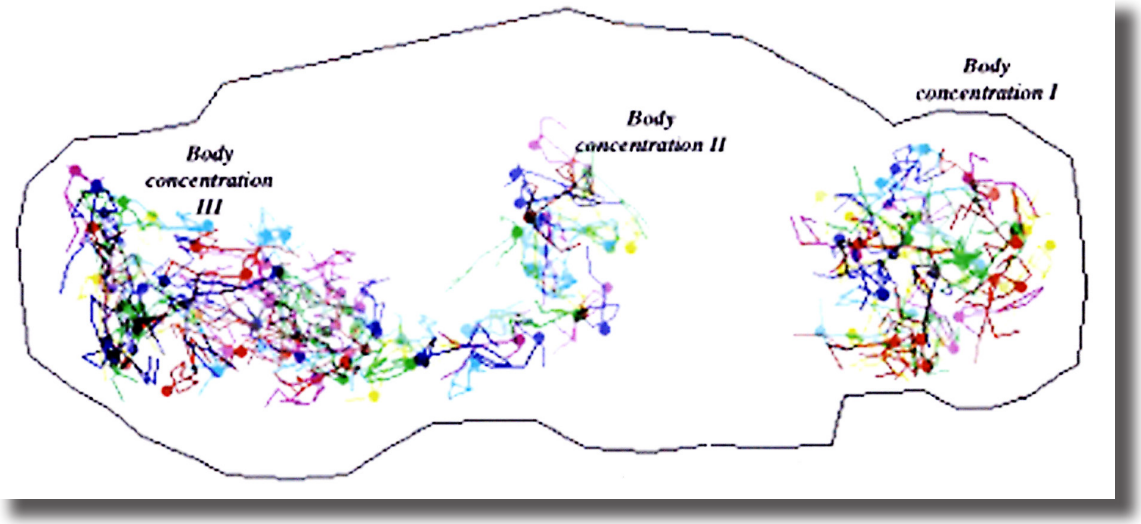


Figure 46. Lažete 1 grave with three spatially divided zones with human remains (body concentrations I, II, and III), implying that the empty zones in between had been robbed

Source: Peccerelli, *Lazete 1,* p. X0064014, fig. 24.

The action of subsequent robbing had been recognized by the excavators, so the author paid attention to the question of the size of the robbed zone(s), as well as to the estimation of the number of robbed bodies. The following map is showing the originally analyzed situation (Figure 47):

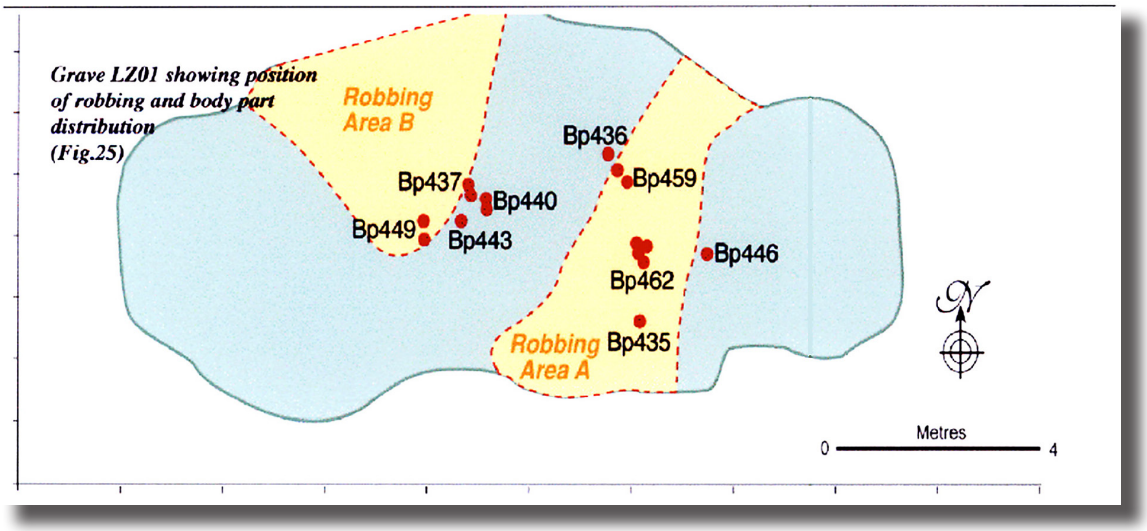


Figure 47. Plan of the grave at Lažete 1, showing the robbed zones (yellow and framed with interrupted red lines); it is important to note that all body parts had been discovered in the central and peripheral areas of the robbed zones

Source: Peccerelli, *Lazete 1,* p. X0064015, fig. 25.

Peccerelli has calculated the size of the robbed area and estimated the original capacity, i.e. the number of bodies that had been removed. According to him, approximately 35% of the grave area was robbed, so, comparing the number of collected bodies (127) in some 65% of the grave, he estimated that "*...a potential 68 bodies could have been removed.*"[126] In order to check his estimation, we have applied the same method of spatial analysis, used in our study of the other Srebrenica primary mass graves.

After Peccerelli's spatial plan (Fig. 47), the robbed zones most likely comprise an area of 31.5m^2, having a volume of 44.1m^3. So, if the total non-robbed grave area is nearly 61m^2 (92 – 31.5), with the volume of up to 86m^3, having 127 bodies, the following calculation can be made:

$$86 : 127 = 44.1 : x \Rightarrow \text{where } x = \frac{127 * 44.1}{86} = 65.12 \Rightarrow x = 65.$$

Given that the result is similar to Peccerelli's calculation (68 bodies), an estimation of the total capacity of the Lažete 1 primary grave could be made:

> 127 bodies found in the grave + 2 bodies found in the ditch + 65 (estimated robbed bodies) = a maximum of 194 bodies originally buried into the Lažete 1 grave.

Lažete 2

As mentioned above, the complex at Lažete resulted from two separate, but adjacent execution points, and primary mass graves as well. When Ruez (the ICTY criminal investigator) in early spring of 1996 had visited and surveyed the entire micro-location of Lažete near the village of Orahovac, he found, besides the already described site of Lažete 1, evidence of the existence of a further site, 150–200m to the northwest, on the other side of local railway lines (Figure 48):

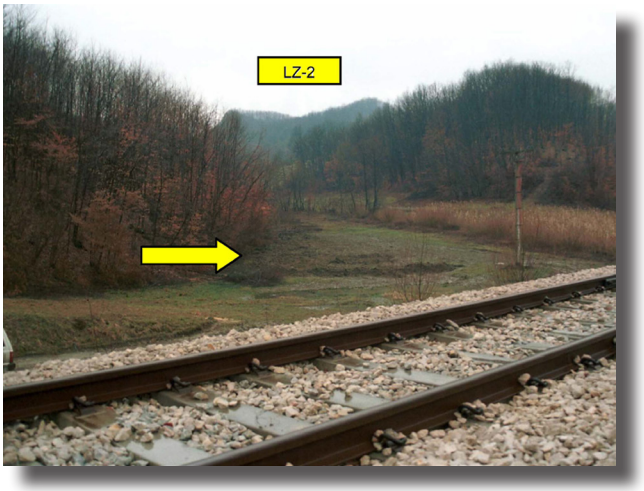


Figure 48. Location of the grave at Lažete 2, on the west side of the railway lines at Lažete
Source: *Prosecutor vs. Popović et al.,* Jean-René Ruez testimony, p. 8, slide 138.

126 Peccerelli, *Lazete 1*, p. X0064015.

Many scattered human bones, rifle shell cases, bullets, blindfolds and other artifacts have been found at this site. Their spatial distribution was the key to deciding the nature, shape and size of the site (Figure 49):

Figure 49. The initial field investigation at Lažete 2 performed on 3th April 1996 revealed many artifacts and human bones proving the existence of the mass grave

Source: *Prosecutor vs. Popović et al.,* Jean-René Ruez testimony, p. 8, slide 140.

Soon after, in mid-August of the same year, Haglund, a member of an international organization *Physicians for Human Rights* (PHR), in concert with the ICTY, had conducted field excavations and exhumations at the Lažete 2 site.

According to the site report,[127] using a series of three parallel probe trenches, two adjacent graves, marked as Lažete 2a, and Lažete 2b were identified (Figure 50 and Figure 51):

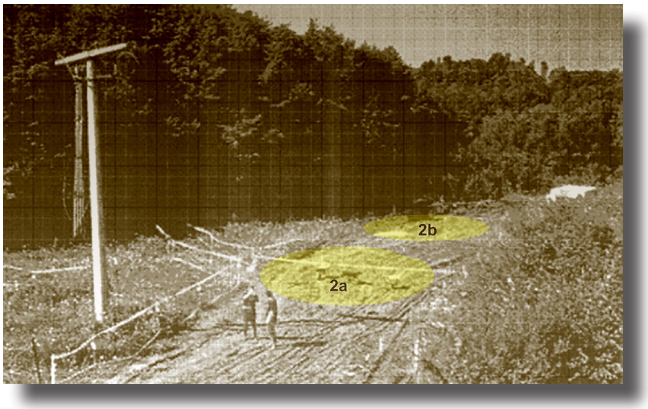


Figure 50. Surface area at Lažete 2, prepared for excavation in August 1996; in spite of the fact that the quality of available photograph was poor, the approximate positions of the graves LZ2a and LZ2b are marked with a yellow ellipse

Made after: Haglund, *Lazete 2,* p. 01491648, fig. 2.

127 William Haglund, *Forensic Investigation of the Lazete 2 Grave Site, Bosnia and Herzegovina* (hereinafter: Haglund, *Lazete 2*), Formal report to the ICTY OTP, (The Hague: ICTY, 1998), p. 01491648, fig. 2.

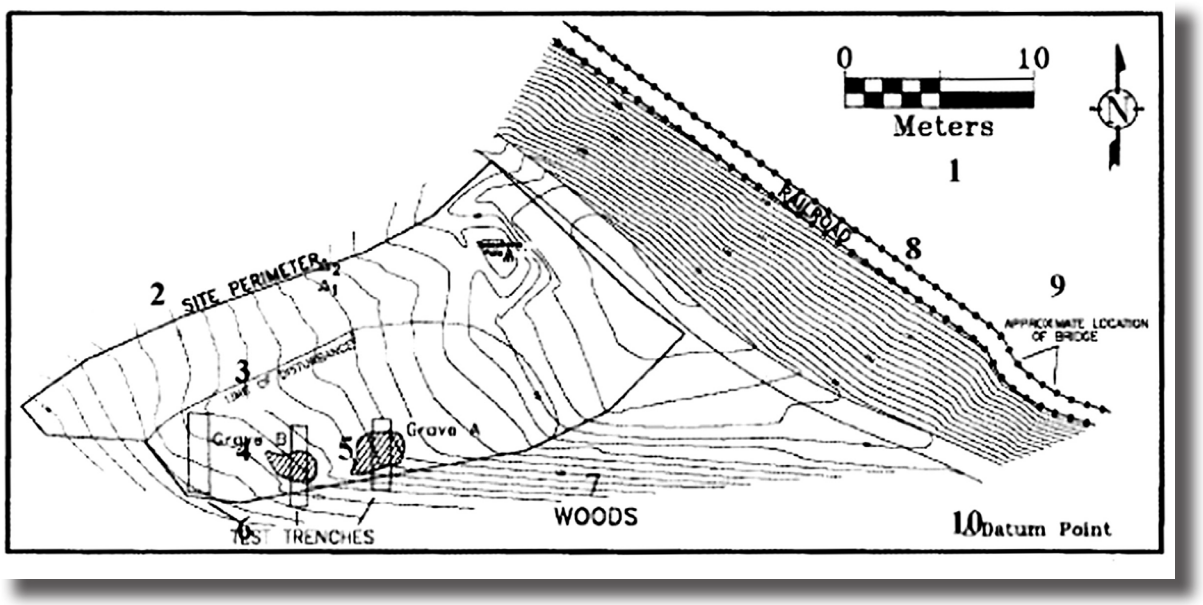


Figure 51. Site plan with the location and approximate shape of the graves A (LZ2a) and B (LZ2b) found by test trenches

Source: Haglund, *Lazete 2*, p. 01491649, fig. 3.

There is uncertainty however about the size (especially the total depth) and shape of the grave pits, and about the number of bodies and body parts found at Lažete 2. Many confusing and contradictory records exist in the report, so the conclusions have to be treated with circumspection. Compared to the previously analyzed site report and entire field project on Lažete 1 made by Peccerelli the report is suboptimal.

Structurally, the grave A (LZ2a) consisted of a *non-disturbed* contiguous pile of 112 individual bodies and the grave B (Lazete 2b) had 52 bodies, plus ..... *one was partial skeleton recovered from the surface* (together – a total of 165 bodies),[128] and 98 partially preserved bones and body parts. (One has to be cautious about the number of the body parts, because in other parts of the report the numbers are different). This is how LZ2a was designated a separate, non-disturbed grave, and LZ2b a heavily disturbed and robbed grave.

In attempting to understand the spatial distribution of the graves, the only given data are graphical (Figure 52a–b):

128 Haglund, *Lazete 2,* p. 01491639 *et pass.*

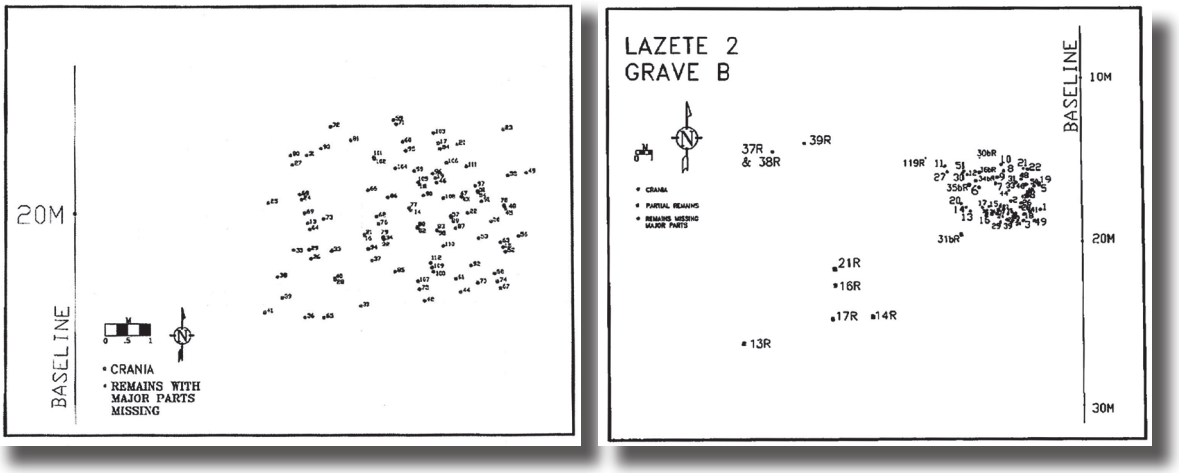


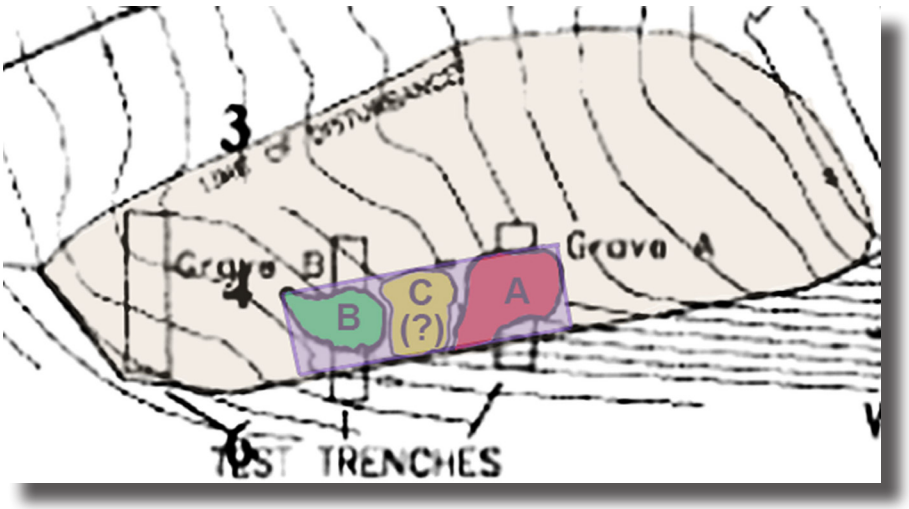
Figure 52. Spatial distribution of bodies and body parts found in the graves: a) LZ2a, and b) LZ2b

Source: Haglund, *Lazete 2,* p. 01491652, fig. 4 and p. 01491654, fig. 6.

Given that the scales are different, the contour of the graves were not drawn and significantly, many finds from Fig. 52a are spatially artificial (the EDM Total Station for measurements was used and so there were problems in calibrating the raw numerical data).

In 2000, Peccerelli conducted additional excavations at Lažete 2, in the area between the LZ2a and LZ2b graves, and discovered another pit, named Lažete 2c (LZ2c), with 16 almost or totally preserved bodies.[129] Unfortunately, the complete report was not available to us and so all that can be deduced is that LZ2c was approximately 2.5x2.1m in diameter, and that the southern part had been robbed.

In order to try to calculate the number of originally buried individuals at the Lažete 2 site, despite difficulties with the documentation and reports, we had first to make a spatial analysis as was performed in the case of primary graves at Glogova. Thus a hybrid map of all three graves (LZ2a, LZ2b, and LZ2c) was first produced and then analyzed (Figure 53):



129 Janc, *Update 2013*, p. X024-0742.

Figure 53. Spatial analysis of three possible sub-graves at Lažete 2: most likely derived from a single uniform but structured long trench

Modified after: Haglund, *Lazete 2*, p. 01491649, fig. 3.

Our basic assumption was that the method of creating the Lažete 2 grave(s) was similar to the Glogova mass grave complex: a series of longitudinally excavated connected pits, forming practically one single long trench that was then used in an opportunistic way. This assumption was based on the nature of the disturbance and spatial distribution of the body parts, and an archaeological reading of the internal stratigraphy. Thus, the following reconstruction of the robbing at Lažete 2 is proposed (Figure 54):

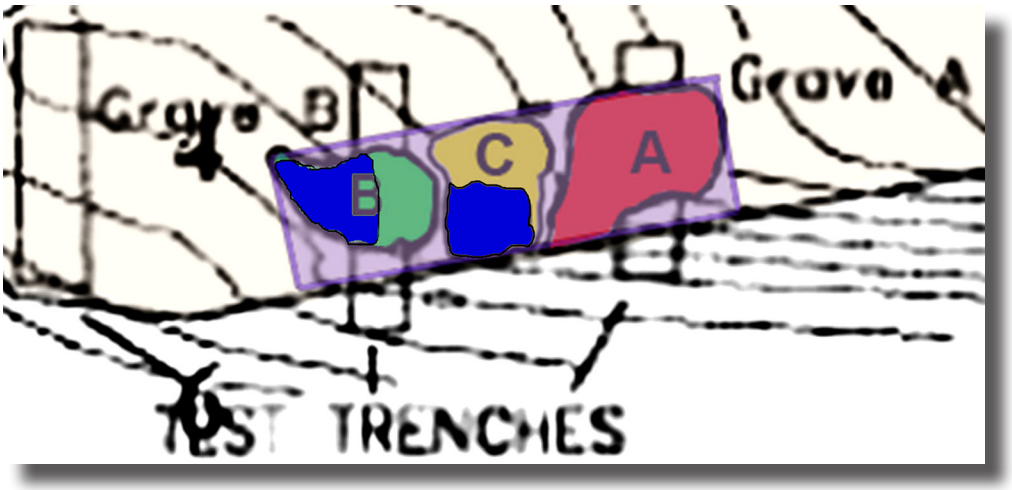


Figure 54. Hybrid map of the Lažete 2 mass grave, with robbed zones colored in blue

Digitally made after: Haglund, *Lazete 2*, p. 01491649, fig. 3 and p. 01491652, fig. 4; *Prosecutor v. Ratko Mladic,* Case No. ICTY IT-09-92-T, Expert witness Fredy Peccerelli, Transcript, October 28, 2013, p. 18387, accessed April 21, 2020, https://www.icty.org/x/cases/mladic/trans/en/131028IT.htm.

Using the same reasoning for previous cases of robbed mass graves: Lažete 2a was not robbed, having dimensions of approximately 6.4x2.8m, and an approximate depth of 1.45m. This gives an area of 17.9m^2, and a volume of nearly 26m^3. It contained a total of 112 bodies. The robbed zones, when summed from Lažete 2b and 2c, have an area of nearly 11.2m^2, and depth of 1.45m, i.e. a volume of 16m^3.

In order to calculate the likely number of missing bodies from the robbed parts of the entire grave Lažete 2 (LZ2b-robbed + LZ2c-robbed), the standard equation was applied:

$$26 : 112 = 16 : x \Rightarrow \text{where } x = \frac{112*16}{26} = 68.92 \Rightarrow x = 69.$$

So, with the known number of recovered bodies in LZ2a (112 + 1 surface find), LZ2b

(52), LZ2c (16), and estimated number of robbed bodies (69), it can be concluded that the most probable number of bodies originally buried at the grave(s) at Lažete 2 is:

$$112 + 1 + 52 + 16 + 69 = 250.$$

Thus, in conclusion, an estimation of the total number of bodies can be made, i.e. the physical capacity of both primary mass graves at Lažete near Orahovac, as the sum of 194 and 250, which adds up to approximately 450 individuals.

2.3.5. Kozluk Primary Mass Graves

According to information given by the ICTY prosecutors, about 500 Bosniak prisoners were driven by Serbian military forces to the town of Kozluk (less than 15 km to the north of Zvornik), at a location on the left bank of the Drina River, named Šljunkara (English: "Gravel Mine" – today, the entire landscape has changed due to the activities of a gravel separation plant "Keso gradnja"). There, the detainees were killed by an execution squad. It was concluded in the Trial Chamber Judgement on General Krstić on August 2001, that "… on 16th July 1995 "an excavator–loader, belonging to the RS Army Zvornik Brigade operated for eight hours in Kozluk", a military truck making two trips between Orahovac and Kozluk on that day, and that additionally a bulldozer operated in Kozluk for 2.5 hours during 18th and 19th July."[130] The named digging machine was not "…belonging to the RS Army Zvornik Brigade….", but instead to a state building company "Birač Holding" from Zvornik. That mechanical digger was hired by the Zvornik Brigade VP 7469, and the *Torpedo* excavator worked for eight hours at Kozluk on July 16, 1995.[131] The evidence was presented in Richard Butler's report at Krstić's trial.[132] In the text of Krstić' Judgement it was incorrectly interpreted that the excavator *Torpedo* was driven twice from Orahovac to Kozluk and back.[133] The Trial Chamber considered that the executions must have occurred between 14th and 17th July, given that aerial imagery indicated that mass grave(s) were created prior to the 17th and prisoners were not transported to Kozluk before the 14th.

The following photographs (Figures 55–58) are from the Exhibit of the OTP criminal investigator Jean-René Ruez, presented in September 2006 to The Hague Court in the case against Popović.[134] The figures show aerial photographs and broken glass found during the excavations that had connected Kozluk with the secondary mass grave at Čančari Road 3.

130 *Prosecutor v. Radislav Krstic,* Judgement, p. 90; Andre Klip and Goran Sluiter, eds, *Annotated leading cases of International Criminal Tribunals – Vol. 7: The International Criminal Tribunal for the former Yugoslavia 2001* (Antwerp–Oxford: Intersentia, 2005), accessed April 20, 2020, https://intersentia.com/en/annotated-leading-cases-of-international-criminal-tribunals-volume-07.html.

131 Sense-Tribunal, "Vehicle Working Log for *Torpedo* Excavator Use in July 1995"pdf., in *Srebrenica – Genocide in Eight Acts,* 03075486–03075487, (The Hague: Sense News Agency, 2015), accessed April 18, 2020, https://srebrenica.sense-agency.com/en/.

132 *Prosecutor v. Radislav Krstic,* Judgement, pp. 5151–5152.

133 Bogdanić et al, *The Events in and around Srebrenica between 10th and 19th July 1995*, Formal report of the Commission for investigation of the events in and around Srebrenica between 10th and 19th July 1995 (Banja Luka: Republika Srpska Government, 2004), 1–43 + attachments, accessed March 21, 2020, http://trial-ch.org/fileadmin/user_upload/documents/trialwatch/Srebrenica_Report2004.pdf.

134 *Prosecutor vs. Popović,* Jean-René Ruez testimony.

Figure 55. Combined panoramic view of the wider Kozluk site area

Source: Prosecutor v. Popović et al., Jean-René Ruez testimony, p. 11, picture 189.

Figure 56. Location of 3 sub-graves at Kozluk ("KK" signifies "Kozluk"), photographed from NW

Modified from: Sense-Tribunal, *Kozluk*, in *Srebrenica – Genocide in Eight Acts,* 03075564–03075565 (The Hague: Sense News Agency, 2015), accessed April 18, 2020, https://srebrenica.sense-agency.com/en/.

Figure 57. CIA 1995 aerial imagery of the Kozluk site produced before July 5, and after the July 17 terrain disturbance

Source: Prosecutor vs. Popović et al., Jean-René Ruez testimony, p. 10, picture 192.

Figure 58. Surface finds of body parts among fragments of green bottle glass

Source: Prosecutor vs. Popović et al., Jean-René Ruez testimony, p. 10, picture 196.

The site at Kozluk was excavated in 1999 by the ICTY. It does not present a typical mass grave as there was no grave construction with bodies lying on the surface (i.e. having fallen after execution) merely covered with surrounding soil.[135] There were three clusters of bodies ("sub-graves") found on the site, labeled as KK1, KK2 and KK3.

Figure 59 shows the Kozluk site with the mass grave area:

135 Richard Wright, *Report on Excavation and Exhumation at Kozluk in 1999: with Appendix on Visits to Konjevici and Potocari*, Expert report to the ICTY (The Hague: ICTY, 2000), p. 00912166.

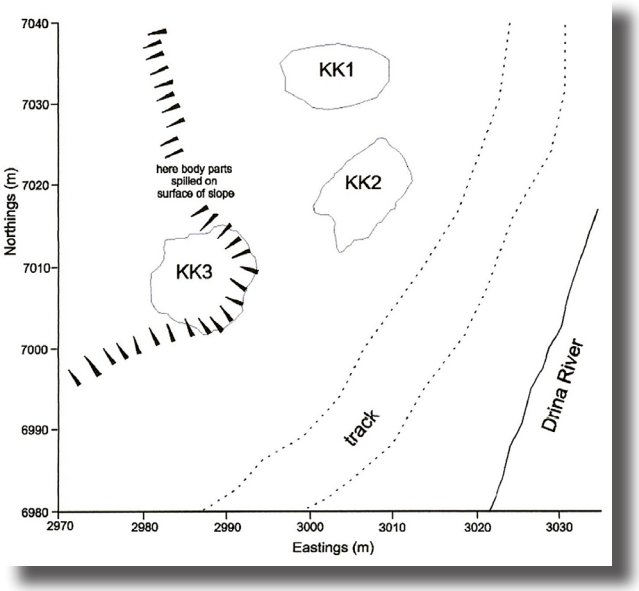


Figure 59. Map of the sub-graves at Kozluk – KK1, KK2, and KK3

Source: Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912174, Fig. 2.

The author of the field research report[136] stated that Kozluk had presented an execution site and that bodies had not been removed, but just covered with soil after the execution. It was assumed that several months later some of the bodies had been robbed from Kozluk and removed to another location. Wright estimates that the number of executed individuals on this site was greater than 451 and perhaps, as many as 660.[137] The calculation was explained:

> The maximum number of bodies to be accounted for by the executions at Kozluk remains somewhat uncertain, but the following conclusions can be drawn from the 1999 work at Kozluk and the 1998 work at Cancari:
>
> 291 complete bodies were exhumed by us at Kozluk
>
> we recovered some 200 body parts left behind after the robbing at Kozluk
>
> our work in 1998 determined that 160 individuals were robbed from Kozluk and taken to the secondary grave of CR3 road
>
> an unknown number of individuals were robbed from Kozluk and taken to the secondary grave of CR1.
>
> These observations indicate a minimum number greater than 451 persons and a very rough estimate of a maximum number of 660.[138]

The area marked as KK1 contains three relatively complete bodies that were dumped there after removal from the primary grave.[139]

136 Wright, *Report on Excavation and Exhumation at Kozluk in 1999.*
137 Wright, *Report on Excavation and Exhumation at Kozluk in 1999.*
138 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, pp. 00912158–00912169.
139 Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912161.

For KK2, the excavation report states that an unknown number of bodies had been removed from a grave by machinery. The excavator that was used left tooth marks in the soil, and 49 relatively intact body parts. West of these findings, immediately adjacent to the robbed grave, 18 undisturbed bodies remained on the surface, that the author interpreted as an execution site due to bullets embedded in the soil directly under the bodies.[140]

From the location marked as KK3 an unknown number of bodies had been removed from a shallow slope by machinery, leaving behind 156 body parts.[141] Although no evidence of robbing was detected archaeologically, it was considered that robbing had occurred as there were signs of disturbance on top of the body mass.[142] Additional reasons were provided by the finding of fragments of clothing at both KK2 and KK3. A connection to the secondary site at Čančari Road 3 (CR03) was also made based on the finding of the same (green) glass fragments of bottles.[143] In total, 270 bodies remained undisturbed at the KK3 mass grave.

It is important to note that the bodies were not deposited in piles from a truck but, according to Wright, had been executed at the site and buried there without additional removal. There is compelling evidence to support this opinion such as the position of the fallen bodies, bullets up to 10 cm deep in the clay below the bodies, as well as an individual (KK3-924B) found *in situ* who had been grasping local vegetation at the time of his death.[144] This manner of execution and deposition led to a "flat" distribution of bodies throughout the site, as can be seen in Figure 60. Because of the single layer the surface area that bodies had once occupied may be calculated rather than the volume of the grave.

Figure 60. Part of the KK2 sub-grave at Kozluk, photographed from SE

Source: Sense–Tribunal, "Kozluk", p. 03075565.

140 Ibid.
141 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*.
142 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912167.
143 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*.
144 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912167.

The KK1 sub-cluster, as stated in the report, is not a grave. Three bodies found there likely arrived from the KK2 or KK3 areas during the robbing action, according to spatial distribution presented on the first map (Fig. 59), most probably from the KK2 cluster. Thus, these three bodies can be added to the KK2 robbed grave area.

It seems that apart from 18 intact bodies from the KK2 cluster, the remainder had been almost completely robbed. The area that these 18 bodies occupied can be calculated, and then the surface of the robbed area can be estimated, based on the map provided in the report.[145]

Figure 61 shows the map of KK2 with *in situ* bodies and bullets embedded in the soil:

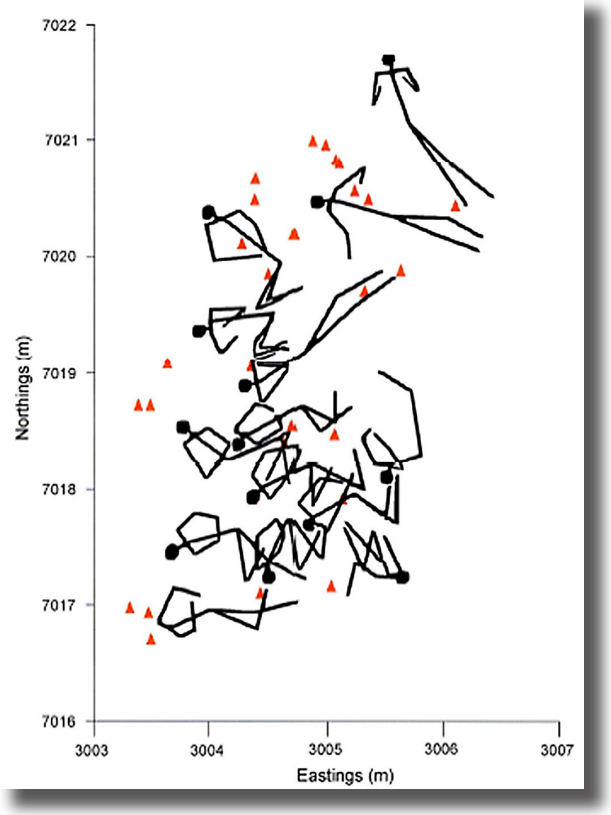


Figure 61. Sketched map of the KK2 sub-grave cluster of bodies at Kozluk, after the EDM measuring of major body points; the red triangles signify bullets in the ground

Source: Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912176, fig. 4.

The surface area that the 18 bodies occupied can be approximately calculated using metrics derived from the above map. The east-west span is approximately from 3003.5 to 3006.5m, a 3m difference (as in the field reports from Glogova and the Red Dam, as well as from Kozluk, see above, Wright used a geo-referenced system of plotting, where, for example, the "3006.5m" signified the absolute distance from a fixed datum point, which was not specified). The north-south span is approximately 7016.5 to 7022 m, a 5.5 m difference. Thus the approximate surface that 18 bodies from KK2 occupied was 3x5.5m = 16.5 m^2**.**

145 Wright, *Report on Excavation and Exhumation at Kozluk in 1999.*

The digital map below shows the Kozluk 2 (KK2) area (Figure 62):

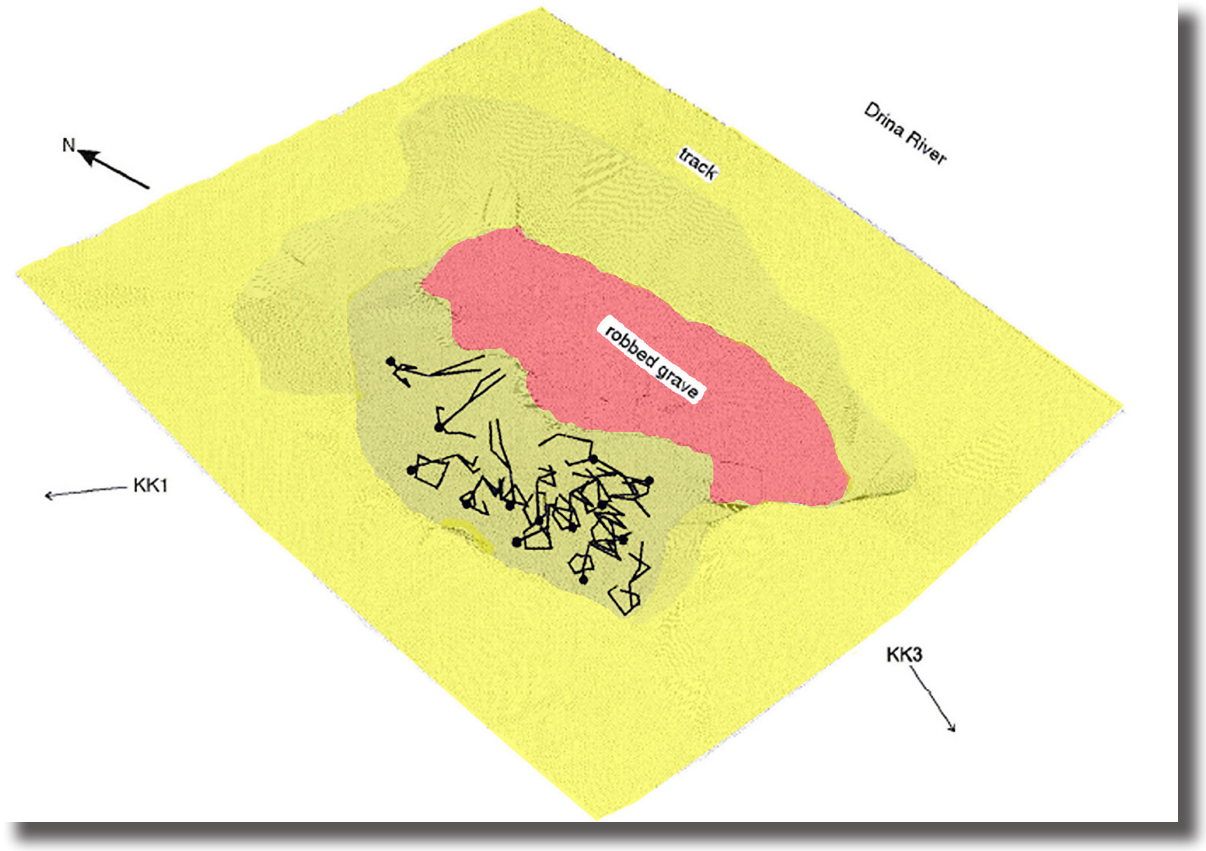


Figure 62. Digitally produced KK2 sub-grave map, based on the EDM measurements during the excavations at Kozluk

Digitally modified after: Report on Excavation and Exhumation at Kozluk in 1999, p. 00912175, fig. 3.

The surface, i.e. the grid of the KK2 robbed area is more difficult to determine as the report lacks measurements for that sub-grave. What can be calculated is the surface of the whole of the KK2 area with subtraction of the area with intact bodies, giving the area of the robbed section. Dimensions for the sides of the KK2 grave were obtained by overlaying the sides of the grave from the map to the scale on the map from the original report (see map below). The next illustration shows an approximation of the KK3 grave dimensions (Figure 63).

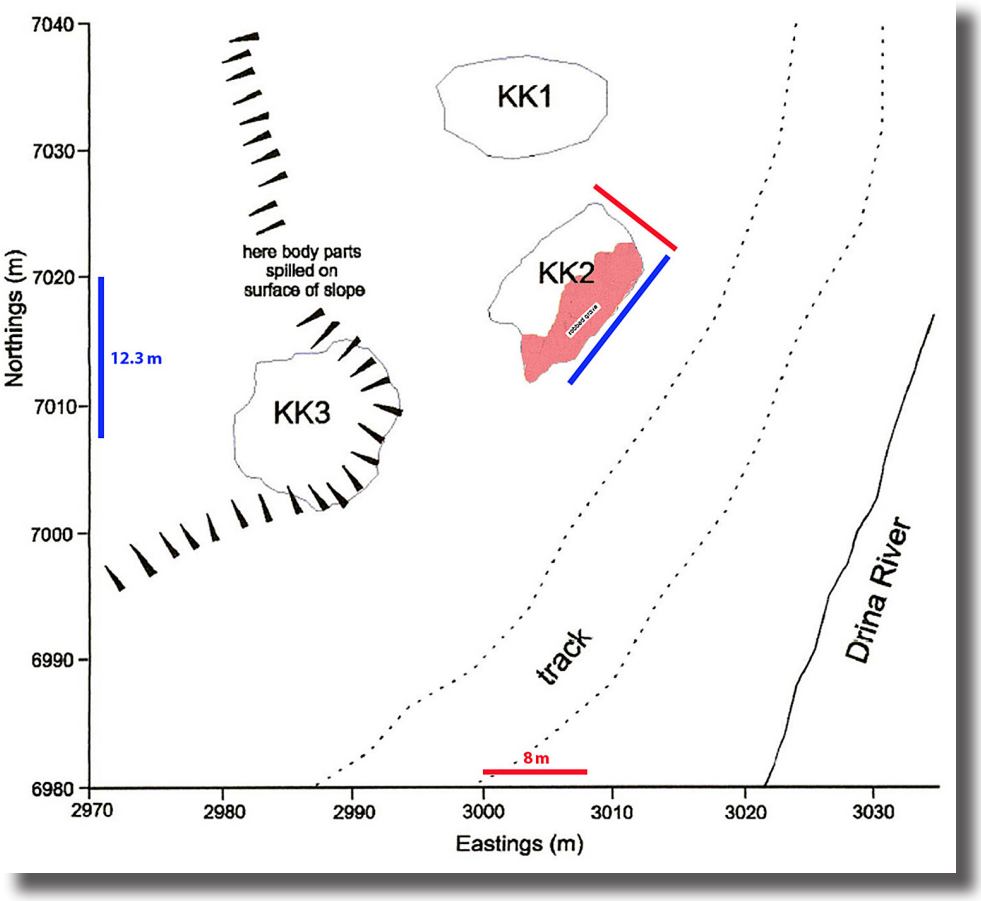


Figure 63. Measuring the KK2 sub-grave, based on scaling its size from the field report of the general map of graves

Digitally modified after: Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912174, fig. 2.

Measuring approximately 12.3x8m the KK2 grave had a surface area of 98m^2. Subtracting the area with intact bodies from the whole grave grid gives the surface of the robbed area. That is 98 – 16.5 = 81.5m^2. Based on these data it is possible to calculate how many bodies could have contained robbed areas in the following way:

$$16.5 : 18 = 81.5 : x \Rightarrow \text{where } x = \frac{81.5 * 18}{16.5} = 88.91 \Rightarrow x = 89 \text{ bodies.}$$

According to this calculation the robbed area of KK2 could contain up to 89 bodies. It is to be noted here that this approximation would present the uppermost estimation, because it is obvious from the preserved part of the sub-grave that the entire space was not occupied evenly, e.g. there are some randomly empty zones. Altogether with the intact preserved bodies (18), added to surface remains (3 bodies from KK1 to the north from the robbing episode), a range of 100–110 individuals can be estimated to have originally been buried at this place.

The image below (Figure 64) shows the robbed KK2 sub-grave with tooth marks left behind the excavator, and remaining bodies *in situ*:

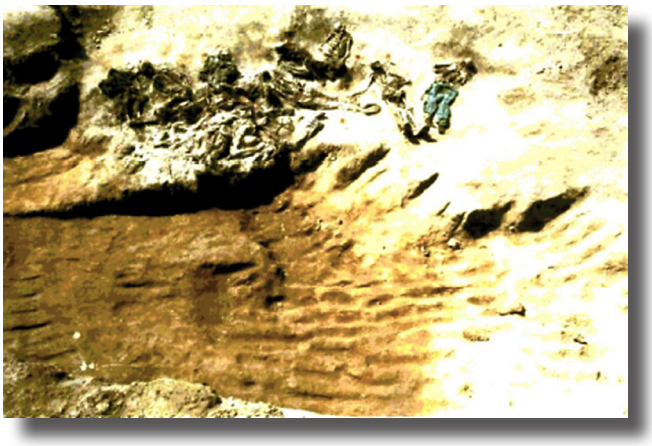


Figure 64. The KK2 sub-grave at Kozluk, photographed from N – in the foreground; the massive robbing action had left archaeologically recordable traces; backhoe tooth marks are at the lower aspect

Source: Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912182, photo 5.

The KK3 sub-grave is much more complex and difficult to reconstruct. Wright stated that an unknown number of bodies were robbed from this sub-grave, marked with an asterisk in the map. So, it is not quite clear why the Kozluk report states that bodies in KK3 were robbed. The only argument expressed is an unusual number of body parts present on the upper level of the sub-grave. Otherwise, Wright stated that "…. *the evidence for robbing is not as unambiguous as at KK2, since we do not have machine marks at the bottom of an empty trench* …."[146] If the area marked with the asterisk is assumed to have been robbed, it might be possible to approximately calculate the size of the whole grave.

Figure 65 shows the KK3 view of bodies on the slope. The asterisk marks the area of alleged robbing.

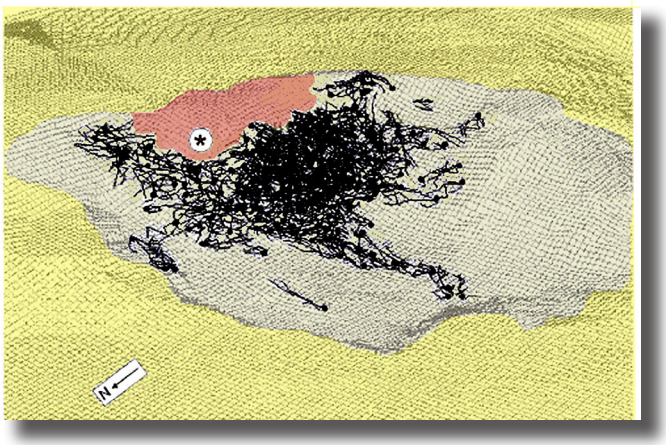


Figure 65. A digitally processed map of the KK3 sub-grave at Kozluk, with red zone of presumable robbing
Digitally modified from: Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912178, fig. 5b.

146 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912167.

Measurements for the sides of the KK3 sub-grave were obtained by overlying the sides of the grave from this map to the scale on the map from the original report (see map below – Figure 66). The sizes of the robbed area (marked by an asterisk on the previous map) were obtained by applying the same principle.

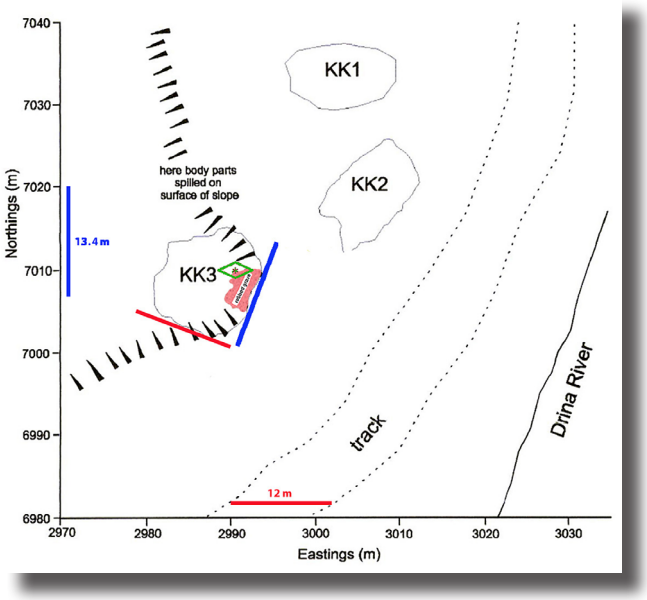


Figure 66. Measuring the KK3 sub-grave, based on scaling its size from the field report general map of graves

Digitally modified after: Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912174, fig. 2.

The approximate dimensions of the robbed area would be 4.5x5m = 22.5m^2 with the whole grave at 13.4x12m = 161m^2. Approximately half of the area is devoid of bodies, as the EDM total station imaging shows (cf. Figure 65, marked with an asterisk) so it can be concluded that 270 bodies were found on the surface of approximately 161/2 = 80.5m^2.

In order to estimate the number of possible robbed bodies, the calculation is as follows:

$$80.5 : 270 = 22.5 : x \Rightarrow \text{where } x = \frac{270*22.5}{80.5} = 75.47 \Rightarrow x = 76.$$

So, if this number (76) is added to the number of found bodies (270), an estimated range of originally buried individuals at the KK3 sub-grave can be calculated at 340–350 individuals. Figure 67 shows the KK3 deposit of bodies lying over the fragments of broken green glass bottles:

Figure 67. A massive deposit of broken bottles of green glass with labels "Vitinka", a neighboring soft drink factory; the same type of glass fragments had been discovered previously at the mass graves at Čančari Road 3 and 1

Source: Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912185, photo 9.

Finally, to recapitulate: a total of 291 (KK1 + KK2 + KK3 = 3 + 18 + 270) almost complete bodies were exhumed, as well as 205 body parts.[147] After the entire process of DNA identification, it was determined[148] that those bodies and body parts together corresponded to 341 different individuals. In the case of Kozluk, 205 body parts represented 50 individuals (i.e. 341 minus 291). Body parts were remains from robbed bodies, so those 50 individuals were excluded from the total in order to not count them twice (those individuals were present at both Kozluk and Čančari Road at the same time). So, there are 291 complete bodies, with estimations for robbed sub-grave KK2 (together with KK1 surface bodies) of up to 89 bodies, and for KK3 of up to 76 bodies. That makes 291 + 89 + 76 = 456 bodies buried into the Kozluk graves before robbing. Even if the maximum possible number is used by adding the named 50 individuals (the "duplicates"), the body count could reach not more than 500 individuals.

According to our analysis and calculation of the estimated range, it is possible to conclude that the Kozluk primary mass grave(s) could contain up to 456 bodies before the robbing event. This number is not incompatible with Wright's estimation of 451 to 660 bodies before partial re-exhumation.[149] Obviously, his lowest estimation was closest to our highest estimation of 456 individuals.

147 Wright, *Report on Excavation and Exhumation at Kozluk in 1999,* p. 00912161.
148 Janc, *Update 2013*, Annex A, p. X024-0744.
149 Wright, *Report on Excavation and Exhumation at Kozluk in 1999*, p. 00912169.

2.3.6. Primary Undisturbed Mass Graves

Primary undisturbed mass graves from the Srebrenica assemblage are the following:

- Cerska
- Nova Kasaba (1996 and 1999)
- Ravnice (1 and 2)
- Konjević Polje (1 and 2)
- Bišina
- Bišina Cave
- Vlasenička Jelovačka Česma
- Mršići
- Potočari
- Godinjske Bare

An undisturbed grave implies that there was no robbing and so the bodies have remained intact and *in situ*. Therefore, the numbers of individuals found in such graves represents a complete assemblage for that particular grave. Exhumations of named mass graves and the identifications of individuals buried there were performed by the ICTY and ICMP respectively.[150]

Cerska

Cerska (Figure 68) was excavated in 1996 by Haglund, a senior forensic consultant for the ICTY.[151] The autopsies were performed in 1996 by a team of forensic pathologists, led by Robert Kirschner from Physicians for Human Rights.[152] DNA identifications were conducted by the ICMP, yielding total of 149 individuals.[153]

150 Janc, *Update 2013*; Parsons et al., "Large Scale DNA Identification: The ICMP Experience".

151 William Haglund, *Forensic Investigation of the Cerska Grave Site, Bosnia and Herzegovina* (hereinafter; Haglund, *Forensic Investigation of the Cerska Grave Site*), Volume I, made on June 1998, Expert report to the ICTY, Case No. 01493690, 01493690–01493761, (The Hague: ICTY, 1998).

152 Robert Kirschner, *Forensic Investigation of the Cerska Grave Site, Bosnia and Herzegovina*, made in 1996, Autopsy report to the ICTY, Appendix C: Examination Documents, Case No. 01494183, Volume III-IV (The Hague: ICTY, 1996).

153 Janc, *Update 2013*, p. X024-0735.

Figure 68. Section of the Cerska mass grave

Source: Haglund, *Forensic Investigation of the Cerska Grave Site*, p. 01493713, figure 5.

According to the results of the ICTY excavation and ICMP identification, a total of 149 individuals were exhumed and identified from the Cerska mass grave.[154]

Nova Kasaba

The initial Nova Kasaba graves were excavated in July 1996 by Haglund (Figure 69).[155] Three years later, in 1999, the anthropologist Baraybar excavated the remainder of the Nova Kasaba site.[156] The autopsies were conducted in 1996 and 1999 by a team of forensic pathologists led by John Clark.[157]

As the Nova Kasaba mass graves were excavated at two different times, the graves were designated as Nova Kasaba 1996 (NKS1, NKS2, NKS3) and Nova Kasaba 1999 (NK04, NK06, NK07, NK08) respectively. DNA identifications were conducted by the ICMP:[158]

154 Ibid.

155 William Haglund, *Forensic Investigation of Four Grave Sites in the Area of Nova Kasaba, Bosnia and Herzegovina*, Expert report to the ICTY, 0149-2649-0149-2903, (The Hague: ICTY, 1998).

156 Baraybar, *Report 1999*.

157 John Clark, *Autopsy Report of Nova Kasaba Mass Grave site, Bosnia and Herzegovina*, made in 1996, Autopsy report to the ICTY (The Hague: ICTY, 1996); John Clark, *Autopsy Report of Nova Kasaba Mass Grave Site, Bosnia and Herzegovina*, made in 1999, Autopsy report to the ICTY, ERN 0091-1861-0091-1909 (The Hague: ICTY, 1999).

158 Janc, *Update* 2013.

Figure 69. Bodies deposited at the Nova Kasaba site from the 1996 excavations

Source: Haglund, *Forensic Investigation of Four Grave Sites in the Area of Nova Kasaba*, p. 0149-2649, fig. 4.

According to the ICTY report and ICMP identifications, excluding three individual graves found in the area, a total of 92 individuals were exhumed and identified from the Nova Kasaba mass graves.[159]

Ravnice

The Ravnice 1 mass grave was excavated in 2000 by the archaeologist Peccerelli.[160] The autopsies were performed in 2000 by a team of forensic pathologists led by John Clark.[161] Ravnice 2 was excavated in 2001 by the Federal Commission on Missing Persons with assistance from the ICMP,[162] but no report is available. The autopsies in the cases from Ravnice 2 were performed in 2001 by a team of forensic pathologists led by Clark.[163] DNA identifications were conducted by the ICMP:[164]

According to ICMP identifications a total of 207 individuals (33+174) were exhumed and identified from the Ravnice 1 and Ravnice 2 mass graves.[165]

159 Janc, *Update* 2013.
160 Janc, *Update* 2013.
161 John Clark, *Autopsy Report of Ravnice Mass Grave Site, Bosnia and Herzegovina* (hereinafter: Clark, *Autopsy Report of Ravnice*), Autopsy report to ICTY, R1093289-1093316. (The Hague: ICTY, 2000).
162 Dean Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Mass Graves Exhumed in 2000, Lazete 1, Lazete 2c, Ravnice, Glogova 1,* Formal OTP report to the ICTY (The Hague: ICTY, 2001), X0065658–X0065673 + 3 annexes: Annex A (X0065674–X0065677), Annex B (X0065678–X0065683) and Annex C (X0065684).
163 John Clark, *Autopsy Report of Ravnice*.
164 Janc, *Update 2013*, Annex A, p. X024-0747.
165 Janc, *Update 2013*.

Konjević Polje

Konjević Polje comprised two separate graves, KP01 and KP02, both excavated by Baraybar in September 1999.[166]

Autopsies were undertaken in 1999, again by a team of forensic pathologists led by Clark.[167] According to ICMP identifications, 12 individuals (9+3) were exhumed and identified from the Konjević Polje 1 and Konjević Polje 2 mass graves.[168]

Bišina, Bišina Cave, Vlasenička Jelovačka Česma, Mršići, Potočari and Godinjske Bare

Few data are available for these six sites, except for the number of identified individuals, which is, according to Janc:

Bišina	39
Bišina Cave	16
Vlasenička Jelovačka Česma	12
Mršići	16
Potočari	16
Godinjske Bare	6[169]

At the end of this section there is a statistical overview of the number of detected and identified persons from all primary undisturbed mass graves associated with the events in Srebrenica in mid-July 1995 (Table 10):

Table 10. Total number of identified individuals from all non-robbed primary mass graves considered in this survey

Cerska	149
Nova Kasaba	92
Ravnice	207
Konjević Polje	12
Bišina	39

166 Janc, *Update 2013*.
167 John Clark, *Report of Chief Pathologist, Srebrenica Grave Sites, Kozluk, Nova Kasaba, Konjević Polje, Glogova, Bosnia and Herzegovina*, made in 1999, Autopsy report to the ICTY, R1077979– R1078004 (The Hague: ICTY, 1999).
168 Janc, *Update 2013,* Annex A, p. X024-0747.
169 Janc, *Update 2013*, pp. X024-0736– X024-0737.

Bišina Cave	16
Vlasenička Jelovička Česma	12
Mršići	16
Potočari	16
Godinjske Bare	6
TOTAL (149+92+207+12+39+16+12+16+16+6)	**565**

2.3.7. Conclusion: Estimated Number of Buried Individuals in the Srebrenica Primary Mass Graves

Our analysis of the grave capacities demonstrated that the maximum number of individuals that could be buried in the primary mass graves was around 3,700, with the following distribution (Table 11):

Table 11. Maximum capacity of the Srebrenica primary graves, following the synthesis of data

Glogova	800
Branjevo	560 to 700
Red Dam	672 to 750
Lažete	444
Kozluk	456
Primary undisturbed mass graves	565
TOTAL (range)	**3,497 to 3,715 bodies**

Since all systematically executed individuals were inhumed in primary mass graves, forensic analysis indicates that the largest number that those graves could contain cannot reach more than 3,715. This then raises the issue: what were the lethal circumstances for the remaining more than 4,200 persons (if a total of approximately 8,000 dead individuals related to events at Srebrenica is accepted)?

The total number of remaining individuals in primary graves after robbing, with those found in non-robbed primary graves, is 1,772, with the following distribution: Glogova 1 (227), Glogova 2 (172), Branjevo (140), Petkovci (19), Lažete 1 (120), Lažete 2 (188), Ko-

zluk (341) and all undisturbed primary graves (565). According to the ICTY OTP report,[170] the total number of individuals buried and identified in secondary graves was 4,213. However, our analysis of the ICMP "List of DNA matching reports" database from 2013[171] demonstrated that secondary graves contained 4,114 identified individuals (labeled as *main cases*). From the point of view of the forensic archaeology, the maximum number of individuals in primary disturbed graves could initially be less than 3,715; 1,772 left in graves after robbing, so 1,943 individuals could be expected to have been relocated from primary into secondary graves. But there is an excess, a surplus of 2,270 individuals (if the total in secondary graves is 4,213). If the number of these individuals found as surface finds (756, according to Janc)[172] and in small/individual graves (with no forensic signs of executions) is added to this, it is obvious that it is possible that more than 3,200 individuals most likely died in situations other than execution. In addition, this number is conservative, since only the maximum number of those executed was estimated, based on the upper capacity of the primary graves. This leads to an investigation of possible contexts, other than systematic executions, that could cause death and subsequent burial in secondary graves. Finally, an important question arises: do (at least) some of these secondary graves present a type of hybrid grave?

2.4. Evidence from DNA Connections between the Grave Sites

One of the important arguments by the ICTY for its eventual conclusion that almost all of the bodies found in the large and small graves in the Srebrenica region were related to mass execution sites were the DNA connections. These relate the remains of a single individual to two or more graves, evidence which could indicate that the remains were partially relocated from the initial grave (the primary) to another (the secondary).

In the ICTY summary reports from 2009 and 2013 provided by Dušan Janc (ICTY OTP investigator) all persons identified by DNA from the "Srebrenica-related mass and other graves" were considered to have originated from mass execution sites. In his report from 2009 the following execution sites were cited: Kravica and others, Orahovac, Petkovci Dam, Kozluk, and Branjevo/Pilica, accounting for 5,624 individuals.[173]

The number of individuals related to particular execution sites (based on the connections between primary and secondary graves), according to the next summary report of ICTY OTP[174] is as follows:

170 Janc, *Update 2013*.

171 ICMP. *93 ICMP list of DNA Matching Report (from Nov. 2001 to Feb. 2013) Srebrenica Related Only* (Excel database produced by ICMP), (Sarajevo: MKNL, 2013).

172 Janc, *Update 2013*, pp. X024-777–X024-0779.

173 Dusan Janc, *Srebrenica Investigation: Update to the Summary of Forensic Evidence – Exhumation of the Graves Related to Srebrenica – March 2009* (hereinafter: Janc, *Update 2009*), Formal OTP report of the former ICTY-OTP investigator to the ICTY (The Hague: ICTY, 2009), Annex A, pp. X0194271–X0194272.

174 Dusan Janc, *Srebrenica Investigation: Update to the Summary of Forensic Evidence – Exhumation of the Graves Related to Srebrenica – March 2010* (hereinafter: Janc, *Update 2010*), Formal OTP report of the former ICTY-OTP investigator to the ICTY (The Hague: ICTY, 2010).

Table 12. Number of individuals related to each major execution site, from the 2010 ICTY OTP report

Kravica and others	1334
Orahovac/Lažete	830
Petkovci Dam	809
Kozluk	761
Branjevo/Pilica	1656
ALL SITES	5390

In the updated summary report of the ICTY OTP of 2013[175] the total number of identified victims, including surface remains, increased to 6,849 individuals:

Table 13. Total number of identified victims including surface remains (2012 and 2013)

Identified individuals	January 2012	April 2013
Graves TOTAL	5977	6056
Surface Remains TOTAL	702	756
Others TOTAL (Serbia related, Kozluk surface, and Godinjske Bare)	37	37
Identified individuals TOTAL	6716	6849

The conclusion from the analysis of records provided by the ICMP in 2013 and by the BiH authorities was that the:

> …remains of at least 6,023 individuals recorded as missing following the fall of Srebrenica have been identified in graves (including mass graves, smaller graves or individual graves) to date. This number also includes 142 unique Srebrenica-related DNA profiles which have not yet been matched to a missing person. In addition, 33 individuals were identified before the ICMP commenced its DNA identification process in November 2001. These identifications were based on ante- and post-mortem data collected by Physicians for Human Rights ("PHR") and the International Committee of the Red Cross (ICRC).[176]

It remained unclear who were the *individuals with unique DNA profile which were not matched to missing persons from the lists,* even 18 years after the conflict. Dušan Janc had explained that issue to The Hague court, but using no direct forensic evidence:

175 Janc, *Update 2013,* pp. X024-0773–X024-0774.
176 Janc, *Update 2013,* p. X024-0734.

WITNESS: DUSAN JANC (former criminal investigator, ICTY Office of the Prosecutor /OTP/, page 26916 onward, in witnessing about the total number /TNI/ of the "Srebrenica case" identified persons /TNI = 5,977/, testifying explicitly on the page 26926, lines 9–12):

> …Actually what those represent, these are individuals which have not been yet matched to any missing person, but DNA profile have been identified. So we have a unique DNA profile, but the -- the ICMP is unable to match this profile to any of the relatives, to any blood donors, so we actually don't know who that person is. We don't have a name. Why I included them into my report is simply because they are all coming out or human remains from those individuals were found in mass graves which we know are related to mass executions, and that's why I included those into my report as well.[177]

As an expert witness in the trial against Karadžić, in March 2012, Dušan Janc mentioned another number of the unique DNA identities, speaking of 5,942 identified individuals from Srebrenica:

> This number also includes 260 unique Srebrenica-related DNA profiles which have not yet been matched to a missing person.[178]

In the ICTY reports the majority of individuals are related to the execution sites. The connection is based on the forensic evidence (pollen and soil analyses, ligatures and blindfolds, artifacts) and:

> …DNA connections between disturbed primary/primary, primary/secondary and secondary/secondary mass graves, as well as to one DNA connection between execution site and secondary grave. In total, 1001 DNA connections have been established between these sites …[179]

Out of these connections, approximately one third, 386 cases, indicate a link between primary and secondary sites:[180] Orahovac 60 connections, Branjevo 43, Kozluk 113, Petkovci 37, and Glogova 133.

DNA connections in this report mean that the remains of one individual were identified from at least two different graves. It does not necessarily mean that body remains were relocated from site to site, but could also imply simultaneous multiple depositions of remains. As was explained in the text:

177 *Prosecutor v. Radovan Karadžić*, Case No. ICTY IT-95-5/18, Testimony of the expert witness Dušan Janc on the Trial Chamber, prosecutor Ms. West, March 27, 2012, p. 26926, accessed May 12, 2020, https://www.icty.org/x/cases/karadzic/trans/en/120327ED.htm.

178 *Prosecutor v. Radovan Karadžić,* Testimony of the expert witness Dušan Janc, p. 26959.

179 Janc, *Update 2013*, p. X024-0739.

180 Janc, *Update 2013*, pp. X024-0734, 0780–X024-0785.

> … in case that the remains of one individuals were found in three different graves, three DNA connection cases for this individual would then be counted (one connection between the graves A and B, one connection between the graves A and C and one connection between the graves B and C).[181]

Since the body parts of many of the individuals were found on more than two places (according to the report: for 55 individuals body parts were found on three different locations and body parts of four individuals were scattered in four different locations) it means that 1,001 DNA connection cases represent 871 individuals found in two or more locations. Out of these 871, the conclusion that a person was executed was based on a DNA connection between an execution site and a secondary mass grave.

The number of DNA connections between primary and secondary graves, however, informs more about the translocation of remains. The table below explores the results of our analysis of the ICMP data presented in the report of Dušan Janc from 2013. A total of 387 DNA connections is presented with distributions of connections, showing which secondary grave was connected to each primary grave, and how many cases are involved. Based on this it can be concluded that some of the bodies from Lažete were most likely relocated to Hodžići Road, bodies from Branjevo and Kozluk to Čančari Road, those from Petkovci to Liplje, and bodies from Glogova to Zeleni Jadar, Blječeva, Budak and Zalazje. This information could significantly help in reconstructing events after the primary burials, but does not provide data about the total number of the dead, nor whether secondary graves contained bodies from other contexts.

The following table shows in detail the number of DNA connections between primary and secondary graves, including one link from the Kravica execution site (based on the report of Janc):[182]

Table 14. The number of the DNA links from primary to secondary sites with a count of the total number of links – the number of DNA connections between primary and secondary sites is 386, plus one (bloodstains from the Kravica warehouse execution site), gives a total of 387

Lažete 1 to	**Lažete 2** to	**Branjevo** to	**Kozluk** to	**Petkovci Dam** to	**Glogova 1** to	**Glogova 2** to
Hodžići Road 5	Hodžići Road 1 (Snagovo 4)	Čančari Road 4 (Kamenica 4)	Čančari Road 1 (Kamenica 14)	Liplje 1	Zeleni Jadar 1a (Pusmulići 1)	Zeleni Jadar 5
12	**10**	**1**	**3**	**4**	**2**	**2**
	Hodžići Road 2 (Snagovo 3)	Čančari Road 8 (Kamenica 8)	Čančari Road 2	Liplje 2	Zeleni Jadar 1b (Pusmulići 2)	Blječeva 1
	7	**2**	**10**	**6**	**2**	**15**

181 Janc, *Update 2013*, p. X024-0735.
182 Janc, *Update 2013*, Annex C.

	Hodžići Road 3	Čančari Road 9 (Kamenica 9)	Čančari Road 3	Liplje 3	Zeleni Jadar 2 (Zeleni Jadar 4)	Blječeva 2
	4	**30**	**67**	**4**	**7**	**30**
	Hodžići Road 4	Čančari Road 11	Čančari Road 7	Liplje 7	Zeleni Jadar 3 (Zeleni Jadar 1)	
	2	**6**	**20**	**7**	**2**	
	Hodžići Road 6 (Snagovo 1)	Čančari Road 12	Čančari Road 13		Zeleni Jadar 4 (Zeleni Jadar 8)	
	5	**4**	**13**		**8**	
	Hodžići Road 7 (Snagovo 2)				Zeleni Jadar 5	
	20				**16**	
					Zeleni Jadar 6	
					4	
					Blječeva 3	
					18	
					Budak 1	
					3	
					Budak 2	
					12	
					Zalazje 1	
					11	
					Zalazje 2	
					1	
Lažete 1 Total **12** DNA connections	Lažete 2 Total **48** DNA connections	Branjevo Total **43** DNA connections	Kozluk Total **113** DNA connections	Petkovci Total **37** DNA connections	Glogova 1 Total **86** DNA connections	Glogova 2 Total **47** DNA onnections
In sum, number of DNA connection between primary and secondary sites is 386 plus one from Kravica warehouse execution site gives total of **387**						

In the same report from 2013, Janc mentioned that 74 DNA connections were not included in the analyses, the connections which comprised those that related surface remains and secondary graves, and those "between the graves for which there is a reasonable doubt on being connected", with an unsatisfactory explanation that possible inconsistencies exist. In his trial testimony Janc explained that regarding some of these cases ICMP "clarified that in a way that *there might be labeling mistake.*"[183]

183 *Prosecutor v. Radovan Karadžić,* Testimony of the expert witness Dušan Janc, p. 26981.

Connections between surface remains and secondary graves (KRK and ZJ05, B.GLO and BR.BLJE-02, LIP and LP01, LIP and LP02, RV02 and ADZO3, HZO5 and SNA, CR12 and TIS, ZAL04SRE and SA-55) which are excluded from the report could actually be informative, because they indicate that some bodies from the surface (even from likely different war events) were collected and put into mass graves together with those who had been executed and or relocated from primary graves. Altogether, the DNA connections presented in the ICTY report do not answer the question as to exactly how many individuals were executed. Specifically, it cannot be inferred, based on DNA evidence, that the deaths of 5,624 or more identified individuals were definitively related to mass executions.

Several years later, Thomas Parsons, the director of Science and Technology for the ICMP, together with his collaborators, speaking about the Srebrenica event, further increased the number of systematically killed, and stated:

> We now know that approximately 8000 men (almost exclusively) were systematically killed and initially most were buried in five very large primary mass graves. Shortly after reports of this atrocity attracted international attention, the perpetrators excavated the primary graves with heavy equipment and distributed the then fragmented remains to over 90 clandestine secondary mass graves.[184]

Further in the same text, after they have mentioned the recent trials related to Srebrenica event, Parsons et al. quoted:

> DNA evidence presented at these trials related not only to thousands of individual identifications, but to hundreds of DNA re-association linkages established between linked primary and secondary graves. Prosecutors presented these linkages as evidence of the systematic criminal enterprise associated with the killing and creation of clandestine secondary graves of Srebrenica.[185]

The authors used an example from the Branjevo primary mass grave and execution site, in order to support these statements. It was asserted that over 1,700 individuals who were buried in a primary mass grave at the Branjevo Farm, were re-exhumed (robbed), transferred, and distributed to a series of secondary mass graves along the Čančari Road.

In the above-cited report by Janc,[186] 43 DNA connections were found between the Branjevo Farm and the Čančari Road sites. According to the figure presented in the recent Parsons et al. text,[187] the number of small dots indicating DNA matches between body parts connecting the Branjevo Farm grave with the Čančari Road graves is even smaller: 41. The

184 Parsons et al., "Large Scale DNA Identification: The ICMP Experience", p. 237.
185 Parsons et al., "Large Scale DNA Identification: The ICMP Experience", p. 241.
186 Janc, *Update 2013*.
187 Parsons et al., "Large scale DNA identification", 241, fig. 1.

same number of 41 is reported by Janc in 2012 in the Hague trial against Karadžić.[188] This suggests that there were no additional DNA laboratory data after 2013. It means that approximately 40 cases have been extrapolated to indicate that many more individuals, originally buried at Branjevo farm, were then re-buried into the Čančari Road graves (CR4, CR8, CR9, and CR12).

What could the numerous connections (approximately 270) between the graves along the Čančari Road indicate? One possibility is that all individuals from Branjevo were reburied into the Čančari Road graves and that no other bodies (except those from Kozluk, where 71 DNA connections were found)[189] were placed in these clandestine graves. There is, however, no strong evidence to support this proposition.

Another possibility is that, in an attempt to hide the evidence of mass executions, Serb authorities mixed the bodies from Branjevo and Kozluk with other body remains/deposits, most likely by adding collected surface remains of individuals killed during the ARBiH 28th Division military breakthrough towards Tuzla. The following evidence can support this scenario:

1. Spatial matching of the breakthrough blockade pathways (and major military actions during the movement of the column towards Tuzla) with the Čančari Road graves, as well as the obvious proximity of lately found and collected surface human remains (see corresponding map – Figure 70).

2. Recorded wounds on some individuals attributed to explosive weapons (122) from the Čančari Road graves strongly suggest that some individuals buried in these graves died in combat.

3. Finding of individuals buried in some of the Čančari graves, whose body parts were also found as remote surface remains, such as the example of a body from Čančari Road 12 (CR12B-161 + CR12B-161 II) directly reassociated with a Tisova Kosa surface grave (TIS-1-MNT1-M + TIS-1-MNT-2). Such a case clearly demonstrates that remains from different contexts were commingled in the same graves.

4. Finding of bodies of individuals who died before the Srebrenica events in 1995 (for example, Blječeva 1 grave, see below).

So, logically the second scenario seems to be supported by more robust evidence than the first.

188 *Prosecutor v. Radovan Karadžić,* Testimony of the expert witness Dušan Janc, p 26968.
189 Janc, *Update 2010*.

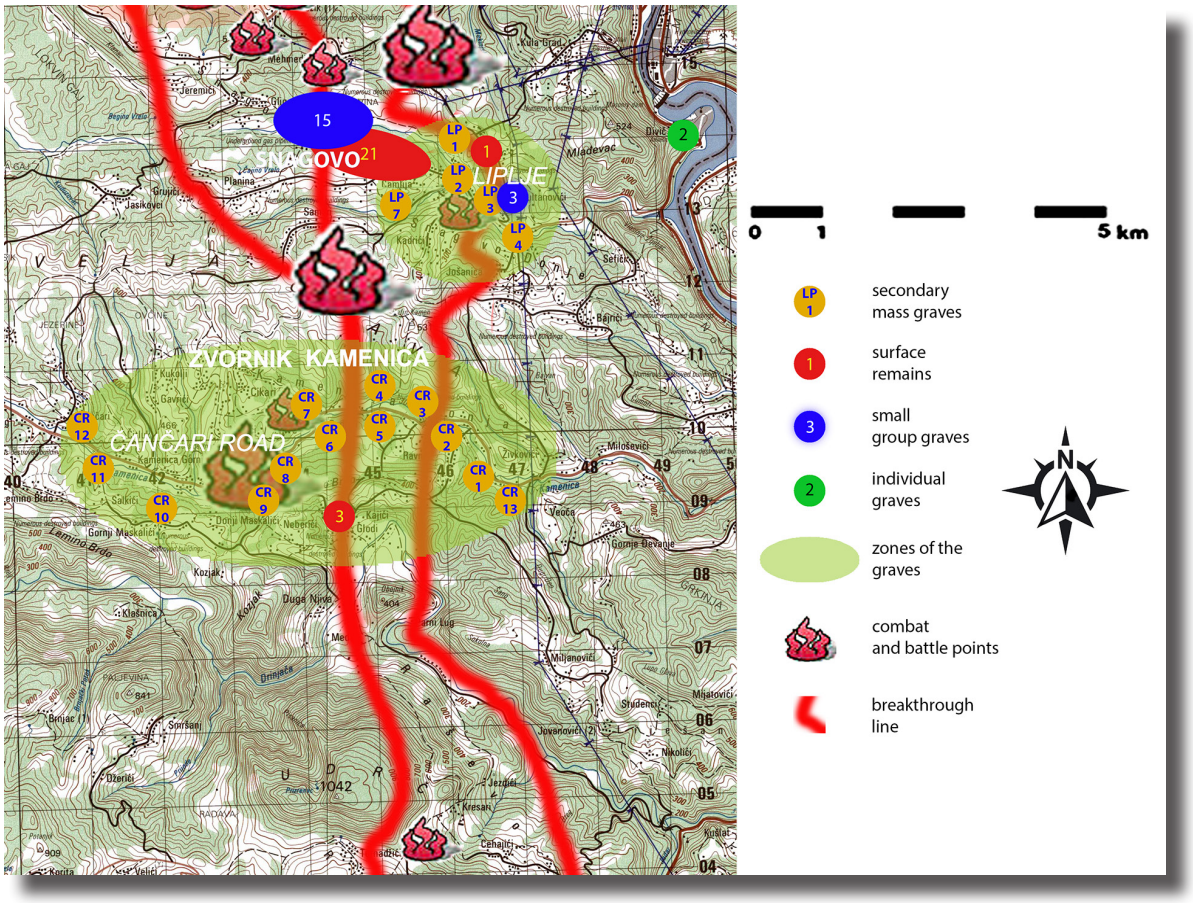


Figure 70. Map illustrating the matching of line of combat during the breakthrough towards Tuzla (red line), the position of the Čančari Road graves (light green ellipse field) and the position of surface finds (labeled with yellow numbers in red spots)

Some data presented by the ICMP at a Donor conference in 2014 illustrate many issues related to the identification process which are still unresolved. By that time, the ICMP had identified 6,816 missing individuals from the Srebrenica region, with 104 individuals being identified by other means, making a total of 6,920 persons, i.e. 89% of the 7,781 reported missing. The ICMP calculated that the total number of missing from the Srebrenica event is "approximately 8,100" and that about 1,000 persons are not yet identified, so they were designated in ICMP reports as still missing.

In addition, 130 individual remains from the Srebrenica region have a unique DNA profile which are not matched to any person from lists of the missing; 94 cases were designated as problematic because DNA identification either does not match the physical characteristics or further family information is needed. About 1,000 cases wait for re-association with identified cases already buried at the Potočari memorial cemetery. Particularly interesting are 391 DNA matched reports nominated as extremely complex cases, mostly recovered from secondary mass graves, which requires additional DNA testing on post mortem samples.

It was stated that "the NN case review had been a core element of ICMP's Completion Strategy" as well as review of "twelve facilities throughout BiH listed as containing in excess of 2,600 NN cases". NN human remains includes human "remains located in mortuary facilitates that have been commingled with the remains of other persons and are presently held in storage" and "cases for which the DNA profile of the remains themselves has been obtained, but no DNA match has been found when compared to ICMP's database of reference DNA profiles extracted from blood samples of family members". It was cited in the report that "60% of cases have required re-sampling as a result of the mortuary reviews undertaken."[190]

Based on data cited in the report and presented, the program for finishing ICMP activities in the region, it appears that the process of identification is far from complete.

2.5. The Presumed Victims of Military Action during the BiH Army 28th Division's Breakthrough from Srebrenica to Tuzla in July 11–19, 1995

One of the important groups of recorded victims directly connected to military combat are represented in all surface finds/cases, for three main reasons:

1. The place and context of their discovery: the term "forest" in the rubric *place of disappearance*, was exclusively used in ICTY/ICMP/PIP documents to assign the place where all persons "*walking through the forest*" or "*wood men*"[191] disappeared, and then were captured, detained and executed. The use of *wood men... walking through the forest* may, however, mask the real context, that of thousands of ARBiH 28th Division troops, in their official military capacity as part of the breakthrough who traversed forests. Although the place of discovery of many human remains was in a forest, this was an area of cover often in the vicinity of crossroads, pathways and lanes, and other sites of military importance. Another finding is that the majority of these remains (left behind on the ground and exposed to weathering and animal predation), indicate something other than organized mass executions, followed by the creation of many clandestine mass graves.
2. Archaeo-forensic spatial analyses: starting from a simple mapping of surface remains and then adding the reconstructed route of the BiH Army 28th Division military movement from Srebrenica to Tuzla, convincingly shows a spatial pattern with the majority of surface finds being in the direct line of the breakthrough and/or in its vicinity – *cf.* Figure 71a–b below.

190 ICMP, *Assistance and Exit Strategy: Western Balkans Program January 2014–December 2016*, Distribution: Donor representatives Sarajevo, 16 May 2014 (Sarajevo: ICMP, 2014). ICMP.DG.819.1.doc

191 Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Execution Points and Mass Graves.* Formal OTP report to the ICTY (The Hague: ICTY, 2000), p. 00950903; Manning, *Srebrenica Investigation. Summary of Forensic Evidence – Execution Points and Mass Graves 2001.*

3. The results of a contextual forensic study in general terms, as well as in detail (pathology, anthropology, ballistics, etc.) do not provide support to suggest that any of those cases were proven victims of organized systematic killing, such as execution by firing squads. For example, no ligatures, blindfolds or other typical artifacts were found in this context.

2.5.1. Surface Human Remains Collected in Srebrenica, Bratunac, Milići, Vlasenica and Zvornik

In order to produce the list and the geo-referenced detailed map of the surface finds, the ICTY OTP 2013 Report (by Dušan Janc) was used. In its Annex B, under the title *Surface remains*, Janc has stated that a total of 756 individuals, identified from the "pool" of 1,033 surface remains cases, was established.[192]

In the beginning of the report he stated that:

> The locations where Srebrenica-related surface remains have been collected are consistent with the location through which the Muslim column leaving from Susnjari and Jaglici was passing in July 1995.[193]

However, no further discussion based on this introductory statement was offered.

The map created in Figure 71a used the list that Janc presented in his text, with all findings divided into four basic geographic groups:

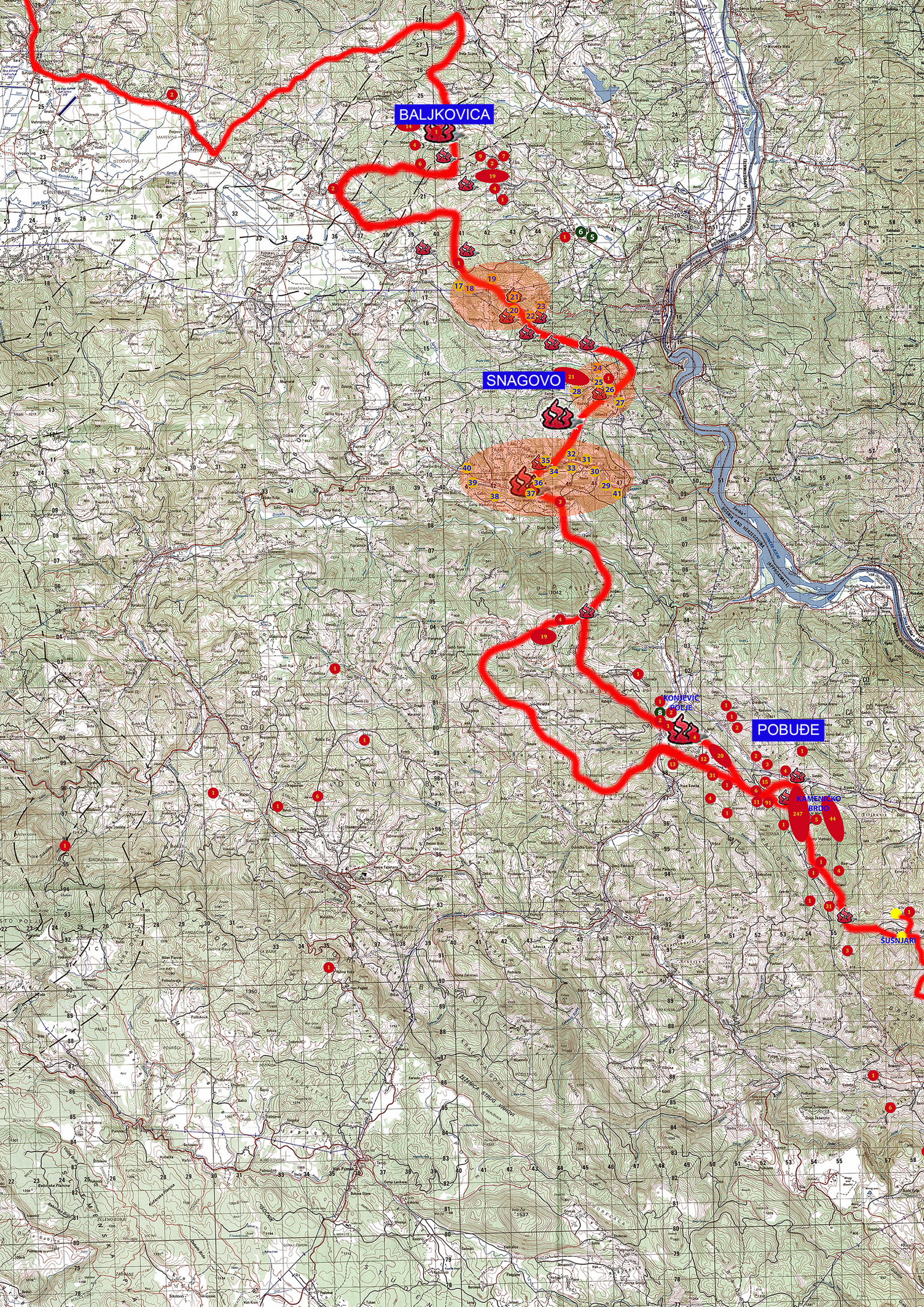
1) The area of Pobuđe (municipality of Bratunac), where the vast majority of all surface cases were found, in the field recovery campaigns, from 1996 to 2013 (594 individuals). The micro-region of the so-called Bratunac *Kameničko Brdo* (Kamenica Hill) had the greatest number of all discovered remains: around 500.[194]

2) The Baljkovica area (municipality of Zvornik), with 80 findings; according to other information (testimonies, reports, "93 ICMP List" "Tuzla Baza"), it is to be noted that this part of Janc's list has to be corrected, because only Baljkovica, Križevići and Križevačke Njive are likely to have more than 60 individual surface remains, and Janc cited 50 individuals as the Baljkovica total.[195]

3) The Snagovo area (also the Zvornik municipality), with 26 individuals; the same remark could be made on the number of individual surface remains from this area as in the case of Janc's "Baljkovica area".

4) Other areas, comprising 56 individual human remains – this group in Janc's report is not consistent at all in the sense of spatial distribution as it includes the remains from distant and non-connected territories, from the municipalities of Srebrenica, Vlasenica, and even Šekovići on the west.[196]

192 Janc, *Update 2013*, p. X024-0776.
193 Janc, *Update 2013*, p. X024-0776.
194 Janc, *Update 2013*, pp. X024-0777–X024-0778.
195 Janc, *Update 2013*, p. X024-0778.
196 Janc, *Update 2013*, pp. X024-0778–X024-0779.


BALJKOVICA
SNAGOVO
KONJEVIĆ POLJE
POBUĐE
KAMENIČKO BRDO
ŠUŠNJARI

0 1 5 km

16 surface remains site

8 primary grave

34 secondary grave

combat and battle point

breakthrough line

N

Figure 71a. (pp. 560–561) Map of geo-referenced Srebrenica 1995 event human surface remains: three micro-zones were discrete, according to Janc:[197] the Pobuđe, the Baljkovica, the Snagovo areas (and fourth – the "other areas", spatially non-connected).

Data concerning the total number of individuals found as surface remains, and their context, were checked. For such a purpose, two basic documents were thoroughly analyzed: the "93 ICMP list of DNA matching report (from Nov. 2001 to Feb. 2013) Srebrenica related only" from the end of 2013 (English version), and the "TUZLA BAZA access FINAL" (BHS – Bosnian / Croatian / Serbian - version), from the end of 2015. It should be noted that the second document aimed to be the final, formally approved list of all the Srebrenica 1995 related cases.

Careful analysis of the *93 ICMP List* demonstrated that the total number of individuals discovered as surface finds should be higher (at least 80-120) compared to the Janc 2013 report. Indeed, the reliability of given data on each case had to be carefully re-checked, because a number of the likely surface cases in the List were hard to spatially recognize (all available related site reports concerning the surface remains are quite general and so it was extremely complicated to identify some cases). The precise spatial context of their discovery was even more difficult.

The *Tuzla Database* is a much more problematic document. As with the *93 ICMP List*, it is organized as a Microsoft Access-based workbook, with three topic-oriented worksheets: *Identified by Names*, then *Identified by Graves*, and the third one – *Exhumations by Graves*. Firstly, the total number of identified persons "by graves" is much higher than the number of those identified "by names" – 9,537 records having data on 9,467 individuals in the first worksheet, compared to 8,812 persons, in the second. The main reason for the difference is that if the remains of the same individuals have been found in two, three, or four different graves, they were likely to have been repeated and recorded as two, three or four different individuals. Secondly, even the number of 8,812 persons is inaccurate as many of the dead from the period 1992–1994 are included in that list (more than 1,450), and also other dead from different theatres of the war in the Bosna and Herzegovina, distant from Srebrenica. Once these outliers are removed, the total number of Srebrenica 1995 victims would be between 6,200 and 6,300, according to an improved analysis of the *Tuzla Baza* database.

Similar problems occur with the number of the individuals discovered as surface remains: the data are often unclear, inconsistent and incorrect. For example, in the worksheet *Exhumations by Graves*, three succeeding columns/rubrics, describing the date of death are presented. While this is meant to differentiate, if possible, the years of mortal events for each grave, in many cases with surface remains two different years are listed, e.g. "92" and "95", even though it may be represented by a single individual. Next, the typology of the graves is

197 Janc, *Update 2013*, Annex B, p. X024-0776.

inconsistent and sometimes questionable, and so it may be difficult to differentiate "surface graves" from a "burnt house/surface", and a "large group grave" from a "mass grave".

When the database was refined by excluding the 1992–1994 cases, the cases of those who died in totally different parts of BiH, Serbia, Croatia, and individuals who disappeared (for example) "in 2012" a total of 971 surface remains individuals were identified. This number is higher than 756, presented in the very last OTP report, and much closer to the ICMP DNA-based number (around 860–880).

There are two reasons why this number (971) is strikingly higher than DNA-based analyses:

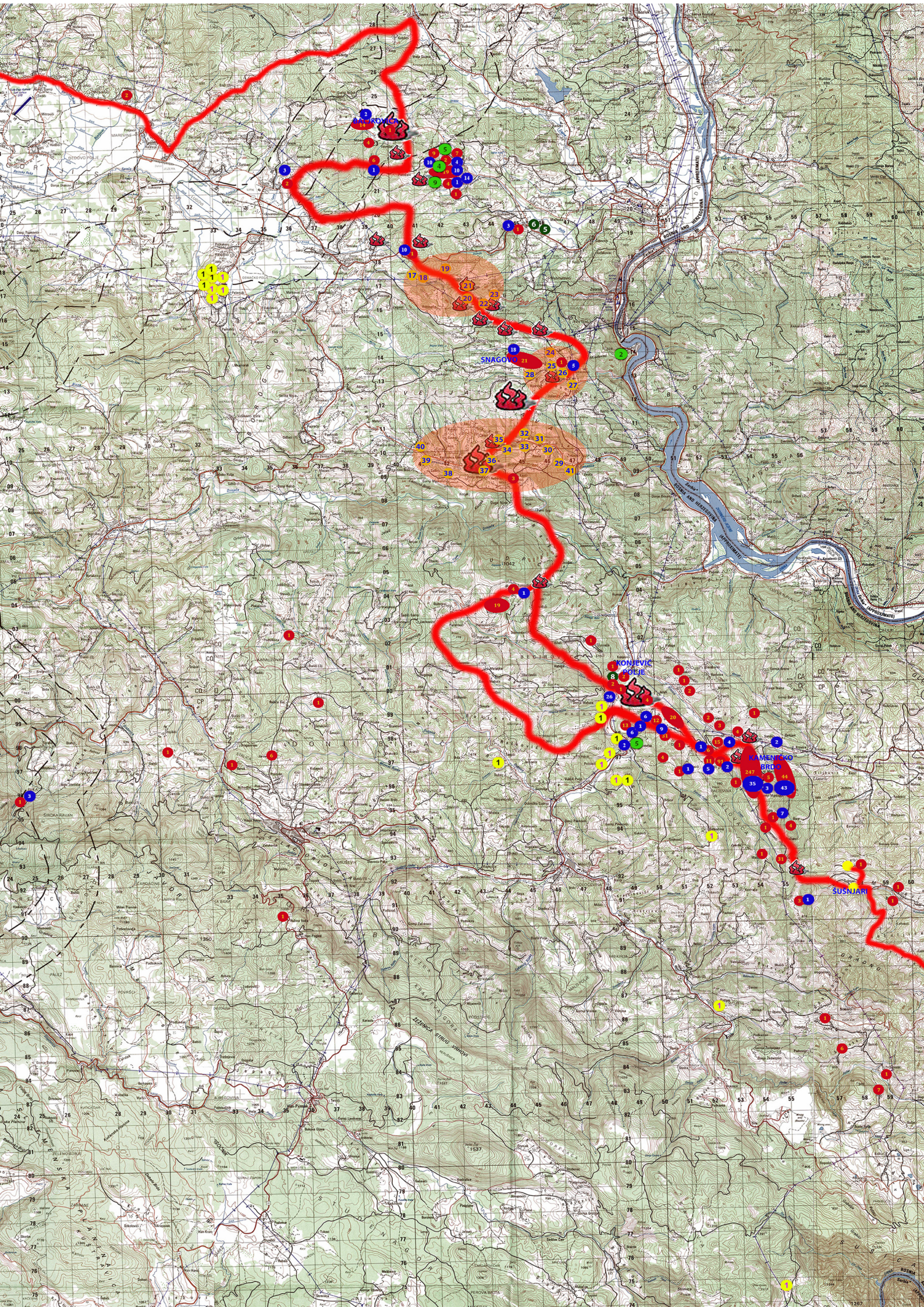
1. The "93 ICMP List" consists of data from bone-based DNA samples of individuals that were successfully matched with DNA blood-based sample profiles taken from the direct relatives of the missing persons, from the lists produced by ICRC/PHR/ICTY. All DNA-based unique profiles with no matches were not included in Janc's report, so the MNI has to be higher than 756.
2. The ICMP DNA matching report did not explain why not all of the collected surface cases had been analyzed.

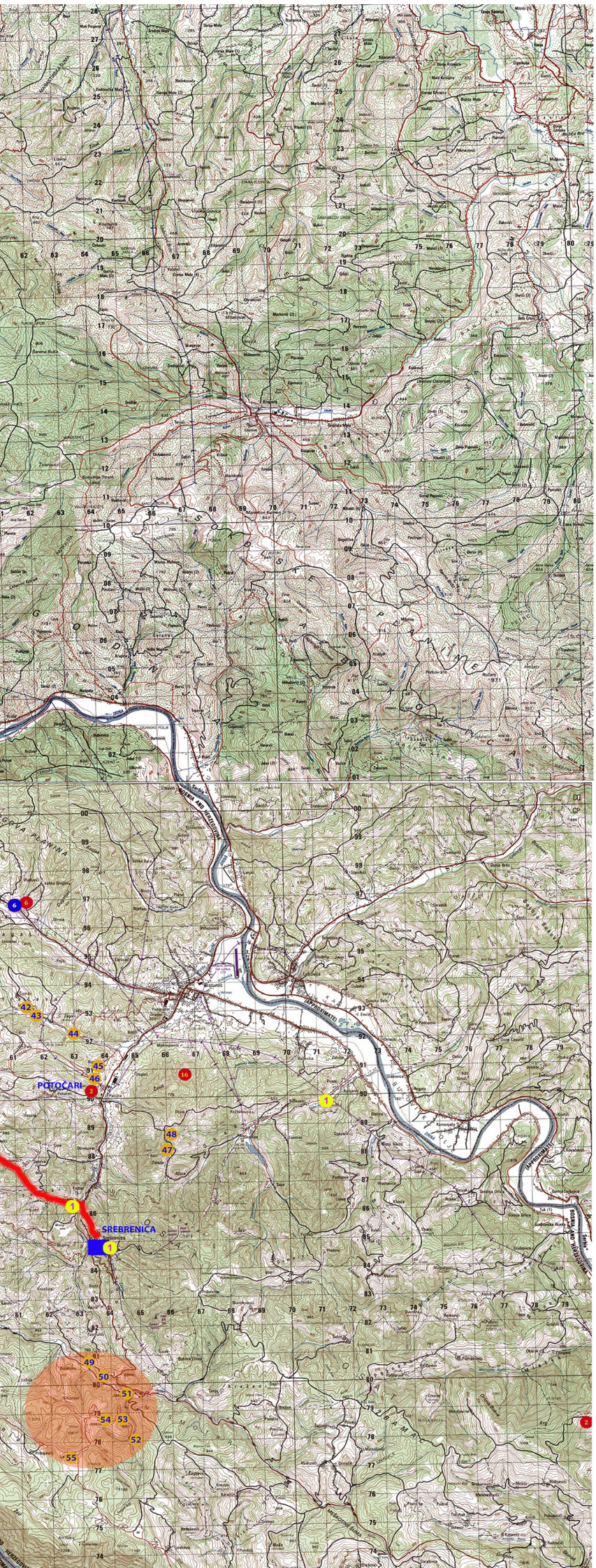
In order to get as accurate as possible evidence on the number and spatial pattern of the surface remains, an informative database was used.[198] The document is in the BHS language version, named *Koordinate grobnica u Srebrenici* (in English: Coordinates of the graves in Srebrenica). After thorough checking and study of this document, that has the GIS-based component (every single site, surface remains, individual, group and/or mass grave is precisely geo-referenced and mapped), the process of cross-referencing the data with the *93 ICMP List* and *Tuzla Baza* was performed. So, a new representation of spatially defined evidence on the Srebrenica 1995 surface finds cases was created.

Finally, according to our forensic analysis of data from the ICMP and PIP databases on the individuals found as surface finds, combined with the field reports and the *Coordinates of the graves in Srebrenica*, an original geo-referenced map is proposed (Figure 71b):

Figure 71b. (pp. 564–565) Map of geo-referenced human surface remains, from the Srebrenica event of 1995 including individual and small grave sites, based on a synthesis and reanalysis of data (see above)

198 *Koordinate grobnica u Srebrenici* [Coordinates of the graves in Srebrenica], unnamed Google Fusion Tables database, posted on July 3, 2015, accessed October 28, 2019, https://fusiontables.google.com/DataSource?docid=131OIyXiCxfQaaljCQQjQH IaNvidGuJ4ru-xQuzhy#rows:id=1


SNAGOVO
KONJEVIĆ POLJE
KAMENIČKO BRDO
ŠUŠNJARI


POTOČARI
SREBRENICA
0 1 5 km
16 surface remains site (after: Janc, 2013)
1 individual grave (analysis)
1 individual grave (certain context)
43 surface remains (analysis)
4 small group grave
8 primary grave
34 secondary grave
combat and battle point
breakthrough line
N

Thus, the total number of all recorded surface remains of individuals is much higher than that cited in Janc (756 individuals)[199] with an additional 162 individuals in the "Pobuđe area", 55 individuals in the "Baljkovica area", and 25 individuals in the "Snagovo area", amounting to at least 999 persons. After this analysis and adding all cases thought to be likely combatants who were found in small individual/group graves the final number of recorded cases that could be victims of the military combat during the Breakthrough can be determined.

2.5.2. Individual and Group Graves from the Srebrenica 1995 Event

It should be emphasized that aside from those individuals found as surface remains, another category of victims could also have died in combat: i.e. those in individual graves or in small grave sites (group graves containing five persons or fewer). These are mostly concentrated in the areas near major battles and combat zones such as Udrč, Velja Glava, Snagovo, Liplje, Crni vrh, or Baljkovica. One criterion to include some individual and small group graves as combat-related is based on the absence of ligatures or blindfolds, or any other material or findings that could imply possible execution as the cause of death. So far, more than 30 such gravesites are known, with approximate numbers of individuals ranging from 170 to 200.

According to (rare) field report data from PHR, OTP, ICMP, and the BiH Missing Persons Institute, as well as the already cited digital document "Coordinates of the graves in Srebrenica", a tentative list of deceased persons buried in individual graves can be formulated. In the OTP Report,[200] "several individual graves" were related to the Srebrenica 1995 events: three from Nova Kasaba (Milići), four from Šeher-Osmaci (former part of Kalesija, today – Osmaci), and eight from other municipalities – Bratunac (Kaldrmice), Srebrenica (Krušev Do-Vukotin Stan, Kazani, Kula, and Podgaj), Milići (Kik-Sebiočina), and Bijeljina (Tombak).[201] In addition to those listed in the OTP 2013 Update, the following cases should be included (see Fig. 71b):

1. Three individual graves found at Nova Kasaba and nearby (cases NKS01MLC001, NKS03MLC003, and NKS03MLC004, all in the current municipality of Milići).
2. One individual found at Kaldrmice (KAL02BRA001 – municipality of Bratunac).
3. Four individual graves from Šeher (SEH-1/1, SEH-1/2, SEH-1/3, and SEH-2/2 – all in the current municipality of Osmaci).

Thus, the total number of persons found in individual graves (15 + 8) is 23.

Small-scale group graves, as a forensic category, could be methodologically examined to determine how and where to separate these from mass graves. They do, however, present another possible place for burying the victims from military action during the Breakthrough.

199 Janc, *Update 2013*, p. X024-0776.
200 Janc, *Update 2013*, Annex A, pp. X024-0770–X024-0771.
201 Janc, *Update 2013*, p. X024-0770.

According to Janc's report,[202] and concordant with the data in a forensic context, there are at least five such graves, containing an MNI of 25 individuals:

4. Five individuals found at Kaldrmice in 2006 (KAL02BRA – municipality of Bratunac).
5. Five individuals found at Brežljak in 1999 (BRZ – municipality of Zvornik).
6. Four individuals found at Motovska kosa in 1999 (M.KOS – municipality of Zvornik).
7. Nine individuals exhumed at the site Luka in Križevići in 2000 (Z.KRZ – municipality of Zvornik, and
8. Two individuals found at Divič in 2006 (DIV01ZVO – municipality of Zvornik) – see Fig. 71b.

It should be emphasized that this list does not represent the total number of individuals found in single and/or small-sized graves, and that could be connected directly to military combat during the capture of the Srebrenica enclave (July 7th to 10th, 1995) and the subsequent military breakthrough to Tuzla (July 11th to 19th, 1995). A possible example for inclusion could be the cases from Srebrenica itself (the site "Behind the Hospital"), where a dozen graves could be connected to the period just before the fall of the town. Other possible cases could be the bodies/remains collected from the rivers Drina and Sava in Serbia (17 individuals). But, in order to include/exclude these cases in any particular category, much more detailed information on the context of the discovery, the state of preservation of the remains, and the types of mortal wounds etc. would be required.

After reanalysis of the Srebrenica 1995 surface remains, individual and small graves, an alternative list and calculation of the victims is presented:

Table 15. Reanalysis of the Srebrenica 1995 surface remains, individual and small group grave cases

Surface remains:	756 + 243	999
Individual graves:	15 + 8	23
Small group graves:	25	25
Total number		**1,047**

202 Janc, *Update 2013*, pp. X024-0768–X024-0770.

2.5.3. Proposed Number of Individuals Who Possibly Died in Military Combat during the Breakthrough Blockade

In conclusion, there is a much larger group of identified individuals compared with the above-cited figure in Janc.[203] This includes at least 1,047 individuals who could have died during the military takeover of Srebrenica by the forces of the RS Army, and, especially, during the campaign of the BiH Army 28th Division (2nd Corps) breakthrough blockade via formation of the military column, from Šušnjari and Jaglići, to Nezuk and Tuzla, respectively.

The next question that arises involves the much larger number of individuals discovered in the dozens of mass graves, classified by the majority of experts and ICTY authorities as *primary* and *secondary* graves. At least five points of mass execution have been recorded (at the Kravica warehouse, Branjevo military farm (Culture Dome at Pilica included), Red Dam near Petkovci, Orahovac – Lažete field nearby the local railway, and Kozluk – gravel yard nearby the Drina River). After the executions (occurring between the 13th and 18th of July 1995), organized inhumations were performed, and this is how the series of mass graves appeared at Glogova and Ravnice, Branjevo, the Red Dam, Lažete, and Kozluk. According to the final OTP reports more than 5,600 individuals were the victims of systematic mass killings by firing squads and were originally buried in the 6–7 primary graves. However, after almost two and half decades of field research at more than a hundred different sites, a number of these reports do not meet scientific and professional standards, concerning the basic field methods of excavations applied, as has been shown previously in this report. This is especially true of the works undertaken in 1996 to 2000 conducted mostly by PHR and the ICTY at Glogova, Lažete, and Hodžići Road, Čančari Road, Kozluk, Petkovci and Zeleni Jadar. In order to illustrate this statement, the following photographs taken from those early fieldworks[204] are attached (Figures 72 and 73):

203 Janc, *Update 2013.*

204 Tal Simmons, *Forensic Monitoring Project Report Kravica;* Heather York*, Forensic Monitoring Project Report: Svilile Exhumations, State Commission on Missing Persons.* HU OSA 386-2-2-55, Records of the Physicians for Human Rights' Bosnia Projects: Forensic Assistance Project: Findings, Open Society Archives at Central European University, Budapest, 1998, accessed October 29, 2019, http://catalog.osaarchivum.org/catalog/osa:0887ab61-2572-4164-a384-995435295174 1998; Jill Gould, *Forensic Monitoring Project Report: Baljkovica Area Exhumations State Commission on Missing Persons*, HU OSA 386-2-2-6, Records of the Physicians for Human Rights' Bosnia Projects: Forensic Assistance Project: Findings; Open Society Archives at Central European University, Budapest, January 1999, accessed October 29, 2019, http://hdl.handle.net/10891/osa:2ed70604-5719-4370-85b7-553bf1205765; Debra Komar, *Forensic Assistance Project: Consultant Report 1999-044 Zvornik III Federation Commission on Missing Persons – Bosniak Side.* HU OSA 386-3-77, Records of the Physicians for Human Rights' Bosnia Projects: Forensic Assistance Project: Consultation Reports; Open Society Archives at Central European University, Budapest, 1999, accessed October 29, 2019, http://hdl.handle.net/10891/osa:80c8d317-5ad-49ff-bddc-d56c94cdf032.

Figure 72. Field photograph of the case of MRV-5 at the site Svilile, N from Nova Kasaba (Bratunac)

Source: York, *Forensic Monitoring Project Report*, p. 10, photo 4 (digitally processed by A. Starović).

Figure 73. Field photograph of a mass grave during the excavations in 1996, at the site Branjevo, Zvornik

Source: *Prosecutor v. Popović et al*, Jean-René Ruez testimony, p.13, photo 245.

These illustrations demonstrate the lack of a real stratigraphic approach during the excavations, leaving doubts concerning the final interpretation of a site and its history, *i.e.* its formation dynamics, deposit(s), original size and content. All of those pieces of information are crucial to determine the:

1) Original number of individuals buried in the grave;
2) Possible subsequent events (such as re-opening and disturbing the grave, or more than one episode of body deposition);
3) Acceptable archaeo-forensic direct evidence of the connections with other locations and sites.

2.6. Evidence from Autopsy Reports: What It Can Tell Us about the Manner of Death?

For this issue the most valuable sources of information to assist with these determinations are those related to the first years of excavation as there may have been some preservation of soft tissue and clothing. The major excavations in eastern Bosnia before 2001 were made by the ICTY. In the *Report of Forensic Evidence – execution points and mass graves*, the ICTY prosecutor Dean Manning in 2000 summarized the findings related to 17 mass graves excavated by 1999: in 1996 four mass graves exhumed by a joint ICTY/PHR teams, 8 graves exhumed fully by ICTY in 1998 and five mass graves exhumed by ICTY during 1999. Ten were primary graves, with seven considered as disturbed due to removal of bodies.

The MNI was estimated as 1,883[205] and all exhumed remains were the subject of autopsy examination by pathologists and/or anthropologists. However, this number is not a sum of MNI in 1996 (479), 1998 (895) and 1999 (546), which were reported by Manning in the same document.[206] The author reported that sex was anthropologically estimated and that the following distribution was found: 1,656 males, 212 of undermined sex, and one female, which also does not match with the number of 1,883.

Causes of death were determined on more individuals than the actual MNI, as some of the injuries were recorded on body parts which do not represent entire individuals, as it was explained in the summary of the autopsy report of ICTY by Manning:

> 1,424 individuals died of gunshot wounds
>
> 169 individuals died of probable or possible gunshot wounds
>
> 5 individuals died of shrapnel injuries
>
> 4 died of other causes (trauma, possible suffocation)
>
> 1,347 individuals died of undetermined causes.[207]

205 Manning, *Srebrenica Investigation: Summary of forensic evidence – Execution Points and Mass Graves,* p. 00950905.
206 Manning, *Srebrenica Investigation: Summary of forensic evidence – Execution Points and Mass Graves*.
207 Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Execution Points and Mass Graves*.

The categories give a total of 2,973, which considerably exceeds the number of 1,883. It is not clear whether Manning considered all body parts as bones belonging to different individuals. Without anthropological or DNA matches the true number of decedents must, therefore, remain conjectural.

In 2001 examination of mass graves was transferred from the ICTY to the government of BiH (in cooperation with the ICMP), while the ICTY continued to monitor some of the excavations. In the Summary of Forensic Evidence and Exhumation of Mass Graves in 2001 by Manning[208] it was stated that the ICTY continued with the excavations on two mass graves in Eastern Bosnia: Zeleni Jadar 6 and Glogova 2, while the ICMP in cooperation with the BiH Missing Persons Commission excavated Ravnice 2, with the autopsy examination being conducted at the ICTY Mortuary complex at Visoko.

In the report on Lažete 1 and 2c, Ravnice and Glogova 1,[209] autopsy findings of 129 individuals from the Lažete 1 mass grave were listed with a conclusion that 125 died as the result of gunshot wounds, and that at least 549 shots had been fired at these individuals.

This increased the total number of complete or almost complete individuals exhumed from 1996 to 2001 to 2,570 individuals.[210] Again, it may be that body parts were considered to be from different individuals (although this was not confirmed by DNA testing at that time).

When performing autopsies on the remains at Čančari Road 12, Lawrence was much more cautious in stating explicitly that since individual bodies could not be reconstructed, the cited cause of death was for the contents of each bag and not for each individual.[211]

In addition, the majority of bodies particularly in the later excavations were in an advanced state of decomposition which may have hindered determination of the causes of death. Despite this, in the later reports by the ICTY, for example in the report of Dušan Janc from 2013,[212] all 5,624 individuals excavated from mass graves and identified at that time were linked to the five execution sites even with remarks that numbers "should be considered a conservative figure".[213] The ICTY OTP thus marked all of the dead as the victims of systematic executions.

Nevertheless, analysis of the types of injuries reported initially by the ICTY[214] suggests that some individuals could have died in combat circumstances – those 67 + 11 could have

208 Dean Manning, *Srebrenica Investigation. Summary of Forensic Evidence – Execution Points and Mass Graves 2001*, Formal OTP report to the ICTY (The Hague: ICTY, 2003), p. X0167709.

209 Dean Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Mass Graves Exhumed in 2000, Lazete 1, Lazete 2c, Ravnice, Glogova 1*, Formal OTP report to the ICTY (The Hague: ICTY, 2001), p. X00656664.

210 Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Execution Points and Mass Graves 2001*, p. X0167709.

211 Christopher H. Lawrence, *Report on Autopsies of Human Remains from Cancari Road Site 12, August 1998*, Expert report (The Hague: ICTY, 1999), p. 00920428.

212 Janc, *Update 2013,* Annex B, p. X024-0774.

213 Janc, *Update 2013*, p. X024-0739.

214 Manning, *Srebrenica Investigation: Summary Forensic Evidence – Execution Points and Mass Graves 2001*.

died of shrapnel or blast injuries, and at least some from gunshot wounds. Further analysis of the cause of death cited in the Microsoft Excel database produced by the Podrinje Identification Project (the PIP database) in 2015 was performed. This was the result of cooperation between the ICMP, the Missing Persons Institute of Bosnia and Herzegovina and Tuzla authorities.

The database contains the details of 5,450 identified individuals with the name of each individual, year of birth, ICRC identification number, site code (including all body parts found), date of identification, and cause of death. The majority of individuals have an unknown cause of death, but in 283 cases wounds from explosive weapons were mentioned as possible causes. After comparing these data with the available copies of death certificates issued in Tuzla for Srebrenica-related individuals, considerable discrepancies were found regarding the cause of death. Namely, in over 60 cases of the PIP list, in the column "cause of death" it was written "unknown", instead of "explosive wound" as it was cited in the certificate of death.

Even after excluding those killed in the Kravica warehouse and Pilica Dome (altogether more than 900 individuals) because the evidence of explosions was forensically documented at these execution points, a total of more than 350 individuals killed by explosive weapons suggests that a considerable number of persons were not executed but most likely died in combat.

While the chief pathologist in his report from 2000[215] stated that blast damage was not found in the Ravnice grave sites, it was later presented in the PIP database (presumably data based on certificates of death) that 6 individuals died from explosive wounds.

Discoveries of ligatures and blindfolds in association with the bodies strongly suggest that those individuals were executed prisoners. 270 blindfolds and 407 ligatures were found in the following mass graves: Lažete 2, Hodžići Road 3, 4 and 5, Čančari Road 3 and 12, and Kozluk, with ligatures solely found in the graves at Cerska, Nova Kasaba, Red Dam near Petkovci, Liplje 2, and Zeleni Jadar 5:[216] Cerska 48 ligatures, Nova Kasaba 27 ligatures, Orahovac 107 blindfolds and 1 ligature, Hodžići Road 90 blindfolds and 1 ligature, Branjevo 2 blindfolds and 83 ligatures, Čančari Road 16 blindfolds and 53 ligatures, Petkovci 1 ligature, Liplje 23 ligatures, Zeleni Jadar 2 ligatures, and Kozluk – 55 blindfolds and 168 ligatures.

It is obvious that blindfolds associated with the bodies were concentrated predominantly in the Lažete 2 primary mass grave (related to the execution point near Orahovac), secondary graves Hodžići Road 3, 4 and 5 connected by ICTY to the Lažete 2 primary grave, and the Kozluk execution point and primary mass grave. Ligatures were predominantly found related to the three execution points: Kozluk, Branjevo, and Cerska. The finding of 21.6% of bodies

215 John Clark, *ICTY Operations in Bosnia-Herzegovina 2000 Season – Report of Chief Pathologist*, Formal report to the ICTY (The Hague: ICTY, 2000), p. X01972137

216 Manning, *Srebrenica Investigation: Summary of forensic evidence – Execution Points and Mass Graves*, p. 00950924.

associated directly or indirectly with ligatures, and 14.3% of bodies associated with blindfolds indicates that at least this percentage, out of 1,883 individuals exhumed, were executed prisoners, but this cannot be taken as evidence for the manner of death in the remainder. The same can be said for forensic connections between primary and secondary graves based on findings of blindfolds and ligatures. Namely, it cannot be asserted with certainty that the entire population found in a secondary grave derives from a particular primary grave if this is based solely on the finding of ligatures or blindfolds in both locations.

2.7. What the Degree of Disarticulation of Human Remains Could Tell about the Manner of Death and Post-mortem Handling Bodies: A Statistical Approach

A working hypothesis drawn from previous observations is that the numerous mass graves along the road to Čančari (village of Kamenica and a series of hamlets, municipality of Zvornik), as well as in the villages of Liplje (Zvornik) and Zeleni Jadar (south from Srebrenica) mostly contain casualties from combat. In these sites the fragmentation of human remains is unprecedented, corresponding possibly to the effects of heavy artillery hitting dense and closely packed infantry, possible victims from confirmed combat at Kamenica (Zvornik) and later at Snagovo. An unusually high degree of body fragmentation is highlighted even in the ICTY and ICMP reports, for these sites.[217]

The possible scenarios are that most of the disarticulated bodies excavated from the above-mentioned mass graves were in fact individuals killed in combat by heavy weapons such as mortars, mines, PAMs or tank cannons, compared to those who died from rifle fire (shot by bullets) which remain mostly complete. Hence it follows that heavy weapon casualties are mostly disarticulated at the time of death, while the remains from those executed with rifles would be expected to be largely complete. It is likely that all bodies from both scenarios were then transported to graves by trucks and loaded with a front end loader (or a similar vehicle). Thus, the post-mortem treatment of all remains could similarly affect the degree of their fragmentation.

To test this hypothesis, the relationships between the number of complete bodies and body parts, within every mass grave, could be calculated (B/BP ratio, and expressed as an index). The results that are obtained could then be used to classify mass graves by their complexity: the more body parts in relation to fewer complete bodies the more complex a grave. Coefficients from execution sites and primary inhumation sites (SIS/PIS) would be expected to be different (due to majority of complete bodies) compared to mass grave locations where most of the cases may have been combatants.

217 See Dean Manning, *Srebrenica Investigation Summary of Forensic Evidence – Exhumation of Mass Graves 2007,* Formal OTP report to the ICTY, 06106454–06106477 (The Hague: ICTY, 2007); Dusan Janc, *Srebrenica Investigation: Update to the Summary of Forensic Evidence – Exhumation of the Graves Related to Srebrenica – March 2009*, Formal OTP report of the former ICTY-OTP investigator to the ICTY, X0194231–X0194235 + 3 Annexes: Annex A (X0194236–X0194272), Annex B (X0194273–X0194276) and Annex C (X0194277–X0194295). (The Hague: ICTY, 2009).

As a basis, and for the purpose of these calculations, one conjoint database (Table 16) was created, containing specific anthropological data (number of complete bodies/body parts/general body parts per grave) for all Srebrenica-related mass graves; the degree of commingling (referring to the site complexity) can then be statistically calculated, assuming that a large amount of small body parts relative to the number of complete bodies (meaning higher disarticulation) could indicate casualties torn apart by heavy weapons during combat, even when there is a lack of direct evidence.

Table 16. Srebrenica-related mass grave sites: different categories of cases (B – Body, BP – Body part, GBP – General body part) and index of disarticulation (e.g. the ratio) between mostly complete bodies (B) and body parts (BP+GBP)

SITE	SITE CODE	TOTAL CASES	B	BP	GBP (*)	B/BP INDEX
Blječeva 1	BR-BLJE-01	313	131	100	82	0.72
Bišina	BIŠ 01 ŠEK	39	39	0		MAX
Branjevo-Pilica	PLC	264	76	188		0.40
Budak 1	SR-BUD-01	269	21	157	91	0.08
Budak 2	T-SRE.BUD-02	131	29	102		0.28
Čančari Road (Kamenica) 03	CR-03	383	76	307		0.25
Čančari Road (Kamenica) 04	KAM04ZVO	393	145	218	30	0.58
Čančari Road (Kamenica) 06	KAM06ZVO	1,133	29	854	250	0.03
Čančari Road (Kamenica) 08	KAM08ZVO	340	22	318		0.07
Čančari Road (Kamenica) 09	KAM09ZVO	616	76	540		0.14
Čančari Road (Kamenica) 10	KAM10ZVO	1,344	146	1,012	186	0.12
Čančari Road (Kamenica) 12	CR-12	313	79	234		0.34
Cerska	CSK	150	150	13(**)	364 (**)	0.40
Glogova 1	GL01	472	191	249	32	0.68
Glogova 2 (GL03+GL05+GL07+GL08+GL09)	GL02	323	126	197		0.64
Hodžići Road 01 (Snagovo 04)	SNA04ZVO	156	92	64		1.44
Hodžići Road 02 (Snagovo 03)	SNA03ZVO	160	95	65		1.46
Hodžići Road 03	HZ-03	83	28	55		0.51
Hodžići Road 04	HZ-04	138	49	89		0.55
Hodžići Road 05	HZ-05	93	54	39		1.38
Konjević Polje (KP01+KP02)	KP	12	12	0		MAX
Kozluk (KK1+KK2+KK3)	KK	496	291	205		1.42
Lažete 1	LZ01	143	129	13		9.92
Lažete 2 (2A+2B+2C)	LZ02	279	181	98		1.85
Liplje 2	LP-02	807	86	682	39	0.12
Liplje 7	LP-07	681	7	472	202	0.01

Nova Kasaba 01–04	NK	33	33	0		MAX
Nova Kasaba 08	NK 08	34	33	1		MAX
Petkovci Dam	Red Dam	91	0	91		MIN
Pusmulići 01 (Zeleni Jadar 1a)	PUS01SRE, ZJ01A	137	6	91	40	0.05
Pusmulići 02 (Zeleni Jadar 1b)	PUS02SRE, ZJ01B	72	2	66	4	0.03
Potočari	POT01SRE	10	6	4		1.50
Ravnice 1	RV-01	172	24	148		0.16
Ravnice 2	RV-02	327	151	176		0.86
Zalazje	ZAL 01 SRE	135	12	106	17	0.10
Zeleni Jadar 02	ZJA04SRE, ZJ02	48	5	43		0.17
Zeleni Jadar 03 (01)	ZJA03SRE, ZJ 01	72	8	63	1	0.13
Zeleni Jadar 04	ZJA 08SRE, ZJ04	227	34	193		0.18
Zeleni Jadar 05	ZJA 05 SRE	367	73	294		0.25
Zeleni Jadar 06	ZJ06	394	38	356		0.11

(*) it should be stressed that GBP number did not always signify every single piece of found bones, but the group findings as well, recorded and collected in an arbitrary manner. Not all site reports offered data on GBPs, as distinctive from BPs. Besides GBP, almost every site had a class of collected unassociated human bones, gathered in a single bag, according to the reports. Those bones were not neither included in reports' statistics, nor in our analysis, as well.

(**) from Haglund's report (1998: 01493723, Table 2, and 01493724, Table 3) one can learn that he used the term "commingled remains" to describe body parts (BP), and "unassociated remains" to describe general body parts (GBP); so, notwithstanding he did cite several times 154 cases (four of which were not assigned to human remains) representing 150 individuals, 150 B, 13 BP, and 364 GBP which have been collected at Cerska.

The sites that contain no single body (B) have a B/BP index MIN, and *vice versa*, when in the graves bodies (B) exclusively were found – MAX.

Data from Table 16 derived from the ICTY and ICMP excavation reports, the ICTY summary reports,[218] as well as the pathology reports.[219]

In the ICMP protocol, case numbers for human remains were designated as B (body) if the remains represent a complete body (or at least 75% of the body), whereas BP (body part) stands for body parts representing upper body parts, lower body parts and other articulated remains of one individual. GBP (general body part) was assigned for isolated bones that did not correspond to the any remains in the immediate vicinity. The total cases of human remains are all case numbers (B+BP+GBP) that are assigned to human remains in a particular mass grave.

218 Manning, *Srebrenica Investigation: Summary of Forensic Evidence – Execution Points and Mass Graves 2001*; Janc, *Update 2013.*

219 Lawrence, *Report on Autopsies of Human Remains from Cancari Road Site 12, August 1998.*

The B/BP index represents the quantitative relationship between largely complete bodies and unassociated body parts within a particular mass grave. It is calculated by dividing the number of complete bodies with the sum of disarticulated and isolated elements (B/BP+GBP) from the same context. A smaller value for the ratio indicates more disarticulated elements in the grave.

B/BP indexes higher than 9 likely marks the sites with noticeably more complete bodies compared to body parts found in the grave. Index 9 corresponds to, for example, 9 complete bodies and 1 body part found in the grave. These sites are most likely primary depositions and contain bodies from executions. It should be noted that many of those primary sites are partially robbed so in addition it definitely affected the value of their indexes.

The following 15 sites (Table 17) are unusually commingled, with indexes strikingly below an average value and almost half having a B/BP index less than 0.1 (which corresponds to 1 complete body for every 10 body parts).

Table 17. Potential combat casualties who most likely died from injuries inflicted by heavy weapons

SITE	SITE CODE	B/BP INDEX
Zeleni Jadar 01A (Pusmulići 01)	PUS01SRE, ZJ01A	0.05
Zeleni Jadar 1b (Pusmulići 02)	PUS02SRE, ZJ01B	0.03
Zeleni Jadar 02	ZJA04SRE, ZJ02	0.17
Zeleni Jadar 03 (01)	ZJA03SRE, ZJ01	0.13
Zeleni Jadar 04	ZJA 08SRE, ZJ04	0.18
Zeleni Jadar 06	ZJ06	0.11
Liplje 2	LP-02	0.12
Liplje 7	LP-07	0.01
Čančari Road (Kamenica) 06	KAM06ZVO	0.03
Čančari Road (Kamenica) 08	KAM08ZVO	0.07
Čančari Road (Kamenica) 09	KAM09ZVO	0.14
Čančari Road (Kamenica) 10	KAM10ZVO	0.12
Budak 1	SR-BUD-01	0.08
Zalazje	ZAL 01 SRE	0.10
Ravnice 1	RV-01	0.16

Sites with less than 0.1 indexes are mostly from Liplje, Zeleni Jadar and Čančari Road assemblages. These sites could contain individuals who died in combat from the actions of heavy weapons as the level of disarticulation of remains in these graves does not correspond with disarticulation made by secondary graves formative processes (namely due to machinery involved in removing and re-depositing bodies) – see Table 17, as well as a more comprehensive discussion on the topic.[220]

Further analyses to clarify this possibility should take into account the grave positions, military context, place of disappearance of individuals, DNA connections, types of recorded injuries, artifacts, and personal effects, etc.). However, archaeo-anthropological forensic differences between some assemblages could indicate different peri-mortem contexts.

2.8. Possibilities That the Mass Graves in Srebrenica Region Contain Individuals from Various Contexts: Blječeva 1 Case Study

All the analyses done so far (analysis of DNA data, archaeo-spatial analysis of surface remains and small graves, concentration of individuals who died from explosive weapons, degree of fragmentation of the human remains) have pointed to the possibility that bodies in mass graves could be from different contexts, and particularly that some bodies were actually the remains of individuals who had died during combat associated with the breakthrough of Bosniak troops from Srebrenica towards Tuzla in July 1995. In order to clarify this important question, we have tried to find evidence regarding the organized post-conflict field sanitation activities in the region. However, this is not without difficulty. As for background data, only occasional documents exist concerning the official orders and focused field surveys that were conducted in the days after the major battles in mid-July 1995.[221] The following order issued by RS Army Drina Corps Military Command on July 20th[222] presents direct evidence of such an intent. But there are no accompanying official reports on the results (i.e. description of territory, number of collected bodies, burials/graves etc.). Some indirect evidence was presented to The Hague: General Pandurević claimed that just after the battles at Crni Vrh and

220 Vaduveskovic *et al.*, "Could a *body fragmentation index* be useful in reconstructing events prior to burial: Case studies of selected primary and secondary mass graves from Eastern Bosnia", *Legal Medicine* 47, (2020): 101766, 1–6.

221 Miroslav Baljak and Dragan Đokić, "Asanacija bojišta – humana i higijensko sanitarna obaveza Vojske Republike Srpske a ne čin skrivanja zločina" [Battlefield sanitation process – humanitarian and hygienic sanitarian obligation of the Army of Republika Srpska, not an act of crime concealment], in *Srebrenica – stvarnost i manipulacije*, Zbornik radova sa međunarodne naučne konferencije, april 2019. godine, Banja Luka [Srebrenica – reality and manipulations, Proceedings from international science conference held in Banja Luka, April 2019], edited by Milovan Milutinović, 407–419. Banja Luka: Organizacija starešina Vojske Republike Srpske/Nezavisni univerzitet Banja Luka/Institut za istraživanje stradanja Srba u 20. veku Beograd [Banja Luka: Organisation of the RS Army officers / Independent University Banja Luka / Institute for research of sufferings of Serbs in the 20th century, Belgrade], 2019, 415, ref. 26, 24–25.

222 ICTY, *Naređenje za asanaciju bojišta svim podčinjenim jedinicama na nivou DK* [Order to perform the battlefield sanitation treatment, issued to all subordinate units in the scope of the Drina Corps] issued by Coll. Lazar Aćimović. Highly classified document No. 18–146/95 dated July 20, 1995 (ICTY document signed as 04312687, 2005).

Baljkovica on July 15 and 16, his troops had collected and buried at Motovska Kosa "several dozens of enemy soldier bodies."[223] This claim was later forensically confirmed through the findings of individual and group graves.[224] Beside that case, there appears little evidence to support the idea that these actions had been happening to any considerable extent in July of 1995. On the contrary, there is numerous indirect data, including satellite and other aerial photographs, demonstrating activities of the Serb forces in creating the so-called secondary graves during the September and October 1995. Thus the identity of the decedents in these graves needs to be established.

To further examine whether the scenario of "mixing the bodies from different military conflict contexts" is possible, the Blječeva 1 mass grave has been analyzed, as one well-documented grave site likely containing individuals from different events. According to the *Report on the Archaeological Findings*[225] seven separate deposits of human remains were identified within the grave, containing 313 cases of human remains, including "approximately 80 bodies within or associated with the former Yugoslav National Army-style black body bags with a white inscription ZOV" (Figure 74a–b). Preservation of the remains varied between totally skeletonized to saponified. One probable ligature was found in the grave.

Concerning the total number of cases, the named ICMP field report data differs from the official report given by the BiH Court authorities – the Tuzla Canton Prosecution Office[226] which concludes that there were 314 cases of human remains (from a total of 327 cases, including artifacts and personal effects, clothing and footwear). Using that report as a base, one can conclude that all of these cases belong to 190 different individuals – according to the ICMP DNA identification.

It is appropriate here to emphasize the frequent obstacles that occur in attempting comparative analyses. Conclusive lists of identified individuals from excavated mass graves, made by the ICMP in their *Tuzla Baza access Final* database (its last identification was made on March 11, 2013) and *The List of DNA Matching Reports, from November 2001 to February 2013* do not always match. For example, five individuals from the DNA matching report database on Blječeva 1 mass grave (IDs 9225, 7177, 8669, 6838 or 6840, and 16875, respectively) just do not exist in the Tuzla database. Additional re-checking has been conducted in other documents (such as the ICRC List of Missing Persons, or ICTY OTP List of Missing), so the existence of those individuals was confirmed. The reasons for such discrepancies are unclear.

223 Vinko Pandurević, *Srbi u Bosni i Hercegovini, od deklaracije do konstitucije* (Beograd: Igam, 2011); Vinko Pandurević, *Život se brani istinom* (Hag/Beograd: "Filip Višnjić", 2011/2015), p. 409.

224 Baljak and Đokić, *Asanacija bojišta*, p. 417, ref. 35.

225 Sharna Daley, *Report on the Archaeological Findings Relating to the Excavation of Bljeceva 1*, Technical report to the ICMP Department of Exhumations and Examinations (Sarajevo: ICMP, 2004).

226 KTTK [Tuzla Canton Prosecution Office], *Zapisnik o ekshumaciji obavljenoj na lokalitetu sela Blječeva – zaselak Čizmić*, službeni zapisnik Kantonalnog tužilaštva Tuzlanskog kantona /KTTK/ o ekshumacijama na lokalitetu Blječeva, od 12. jula do 11. avgusta 2004. godine [Record on exhumation carried out at the Blječeva Site – hamlet of Čizmić – official record of the Cantonal Prosecutor's Office of Tuzla Canton on exhumations at the Blječeva site 1, from 12 July to 11 August 2004] (The Hague: ICTY, 2004), p. X021-3083–X021-3108.

Human remains from Blječeva 1 were classified as 131 complete bodies, 108 body parts, and 75 cases of GBP (general body parts, e.g. single, disarticulated bones or similar).

Figure 74. Photographs illustrating stratigraphic approaches used in the excavations of the site Blječeva 1 (a) upper, and an original ZOV body bag (b) lower

Source: Daley, *Report on the Archaeological Findings Relating to the Excavation of Bljeceva 1*, p. 11, fig. 4.

During excavations, the ICMP archaeologists noticed that Deposit 1 and possibly Deposit 2 (in total containing 66 cases of human remains, where the term *case* means an

archaeologically determined group of bones belonging to the same individual), stratigraphically positioned on the bottom level in the grave pit, were different compared to the upper five deposits. This conclusion was based on the difference in the soil type (grey gravel with inclusions of medium size stones compared to red-brown clay) and the degree of skeletonization of the body remains. The ICMP was provided with information (by Mr. Hurtić from the Federal Commission on Missing Persons) that "the lower deposits are believed to be related to the Glogova mass graves, whereas the upper deposits may relate to a primary robbed mass grave in Redžići, Bratunac", linked to the war event from 1992. The bodies discovered in the bags used by the Yugoslav National Army are those presumably related to the Redžići event. The ICMP field report states that approximately 80 bodies in military body bags were found in deposits 3 to 7, with the following distribution: 23, 8, 21, 20 and 8. Many of them were not complete, which means that their parts were expected to be found among body parts within the same grave or in other grave(s). In summary, 66 cases from the two deepest deposits were attributed to the Glogova site, while in the other five deposits, 247 human cases were found, 80 of which reliably related to Redžići, while others were from an *unknown context*. Since the excavation report did not contain information about the particular case numbers found in each deposit it was impossible to follow up by DNA identification which individual was found in each deposit. On the other hand, our analysis based on the Tuzla Canton Prosecution Office report, suggests that the majority of body remains found at Blječeva 1 could be interpreted in the following way: 122 individuals are to be legitimately connected to the context of *1992/3 war events*, and additional 68 individuals – to another, the *July 1995 Srebrenica event*. Precise evidence shows that 41 bodies were found almost intact, placed in proper PVC body bags, 8 of which were the so-called ZOV military body bags, used only in the very beginning of the war in the Bosnia and Herzegovina, in 1992.

DNA connections of cases between the grave sites presented in the ICTY report[227] showed that 15 connections between Blječeva 1 and Glogova 2 (its various clusters, the subgraves GL02, GL04, and GL06) have been recognized. In our analysis it is 16 connections, i.e. re-associations. On the other hand, direct re-associations were also established between the Blječeva 1 cases and those from the neighboring Blječeva 2 mass grave – 35 in total (Figure 75).

227 Janc, *Update 2013*, p. X024-0780–X024-0785.

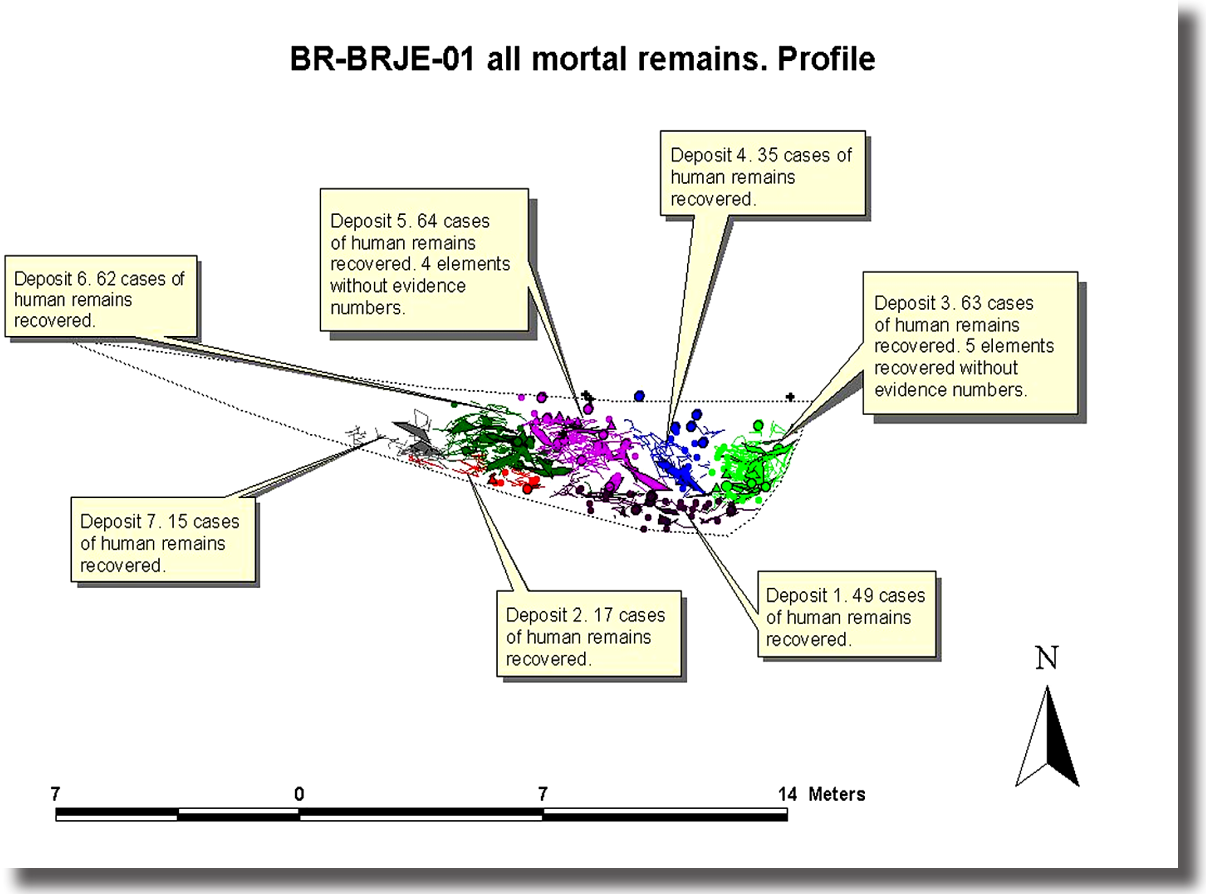


Figure 75. Blječeva 1 mass grave: seven deposits with human remains

Source: Daley, *Report on the Archaeological Findings relating to the excavation of Bljeceva 1*, p. 19, fig. 9.

The cross-analysis of ICMP databases clearly demonstrated that 190 individuals have been identified from the Blječeva 1 mass grave, among which 68 were labeled as "disappeared" in 1995, and the remaining 122 in 1992 (although one case was labeled as "disappeared in 1993"). As the excavations of the Blječeva 1 site were organized and conducted in a stratigraphic manner, it appears archaeologically convincing that all persons from Deposits 1 and 2 arrived from the same context – most likely during the process of robbing Glogova 2, confirmed as a 1995 event primary grave. So, practically all the remains of 68 individuals had been translocated from Glogova, and separated between Blječeva 1 and Blječeva 2 secondary mass graves. As a confirmation, and excluding those cases solely re-associated to Blječeva 2, the following cases were presented as re-associations with other sites in the Tuzla database, all of them marked as disappeared in 1995 (Table 18):

Table 18. Cases from Blječeva 1 grave and their re-associations
(according to Tuzla baza database)

No.	**Main case**	**Reassociations**			
01	BR.BLJE-01/271	BR.BLJE-02/360GBP	BR.BLJE-02/361GBP	GL02-083BP, LRC: 137	
02	BR.BLJE-01/075	BR.BLJE-01/324	BR.BLJE-02/035BP	BR.BLJE-02/057BP	GL02-078BP-MXT2-M
03	BR.BLJE-01/240	BR.BLJE-01/250	BR.BLJE-02/030BP	BR.BLJE-02/206BP	GL02-039BP
04	BR.BLJE-01/282	BR.BLJE-02/039BP	BR.BLJE-02/348BP	GL02-072, LRC. 278	
05	BR.BLJE-01/221	BR.BLJE-01/236	BR.BLJE-01/292	BR.BLJE-02/058BP	GL02-092BP
06	BR.BLJE-01/261GBP BR.BLJE-02/040BP	BR.BLJE-01/314 BR.BLJE-02/042BP	BR.BLJE-01/318 GL2-020BP	BR.BLJE-02/003GBP	BR.BLJE-02/033BP
07	BR.BLJE-01/100	BR.BLJE-02/376BP	GL06-011BP		
08	BR.BLJE-01/136B	BR.BLJE-02/191GBP	BR.BLJE-02/320GBP	GL02/058BP	

It should be noted that these results do not coincide with the data presented by the ICMP. In the ICMP database,[228] the following 18 cases (data include Protocol ID and Case ID) were quoted as re-associations between Blječeva 1 and other sites (except those that have connections solely with Blječeva 2) – Table 19:

Table 19. DNA re-associations between Blječeva 1 and other sites
(according to ICMP database)

No.	**Main case**	**Re-associations**			**Case ID**
Case 1	**BR.BLJE-01/136**	BR.BLJE-02/191 GBP (TL)	BR.BLJE-02/320GBP	GL02/058BP-LCL1-2	7981
Case 2	**BR.BLJE-01/100**	BR.BLJE-02/376BP	GL06/011BPZ		10
Case 3	**BR.BLJE-01/261GB(FIB-3)**	BR.BLJE-01/314 BR.BLJE-02/033 BP (H) GL02/020BP(T1)	BR.BLJE-01/318 (LU) BR.BLJE-02/040BP	BR.BLJE-02/003 GBP (Z man3) BR.BLJE-02/042BP	5005
Case 4: two brothers	**BR.BLJE-01/284**	BR.BLJE-01/299 (LH)	LZ2-B-50	LZ2-B-50-LF	2203 or 2215

228 ICMP, *93 ICMP list of DNA matching report (from Nov. 2001 to Feb. 2013) Srebrenica related only.*

Case 5	**BR.BLJE-01/244**	BR.BLJE-01/297	BR.BLJE-01/312	GL04/001BPT	2988
Case 6: two brothers	**BR.BLJE-01/212 (LH)**	GL02/078BP-MNT1-M	GL02/108BPF	K-214	9271 or 9273
Case 7	**BR.BLJE-01/221-F**	BR.BLJE-01/236 (DH) GL02/092BP-T	BR.BLJE-01/292	BR.BLJE-02/058BP	14607
Case 8	**BR.BLJE-01/282**	BR.BLJE-02/039BP-LCL	BR.BLJE-02/348BP	GL02/072BP(T)	2043
Case 9: two brothers	**BR.BLJE-01/240**	BR.BLJE-01/250-EXLF GL02/039BPT	BR.BLJE-02/030BP ZJ06-393BP-RT1-M	BR.BLJE-02/206 BP (H,Zman) ZJA08SRE176T (DF)	7926 or 7931
Case 10: two brothers	**BR.BLJE-01/208-RT**	BR.BLJE-01/214	BR.BLJE-02/095 GBP (H,Zmax)	CSK-145	9727 or 9726
Case 11	**BR.BLJE-01/237-MNT-2**	BR.BLJE-01/276 (LU)	GL02-086BPF		3647
Case 12: two brothers	**BR.BLJE-01/163 (RT)**	BR.BLJE-01/165GBP (D Fib-5) BR.BLJE-01/216 GL02/107BPH BR.JAS-SEKTOR-B-F-14	BR.BLJE-01/165GBP (FIB-5) BR.BLJE-01/218 (LP) GL02/112BP-LT1-M	BR.BLJE-01/207 (LF) BR.BLJE-01/231 (L TL) BR.JAS-SEKTOR-B-F-3	521 or 523
Case 13	**BR.BLJE-01/219 (LH)**	BR.BLJE-01/245	BR.BLJE-01/252	GL02/105BP	13410
Case 14	**BR.BLJE-01/300**	BR.BLJE-01/302 (LU)	BR.BLJE-01/305	GL02/058BP	1136
Case 15: two brothers	**BR.BLJE-01/075**	BR.BLJE-01/324 GL02/078BP-MXT2-M KAM09ZVO134-RT KAM09ZVO433D-MNT-2	BR.BLJE-02/035BP KAM09ZVO003 gen.bon (DF1) KAM09ZVO156 gen.bon-LH1 KAM09ZVO621D (DH)	BR.BLJE-02/057BPM09ZVO050D (LF) KAM09ZVO185D (LTL)	5899 or 5902
Case 16: two brothers	**BR.BLJE-01/091GBP (F)**	BR.BLJE-01/091GBP (T-2) BR.BLJE-01/287 (DH)	BR.BLJE-01/210-LT1 GL02/063BPF	BR.BLJE-01/243 (LH) GL02/078BP-LT1-M	6838 or 6840
Case 17	**BR.BLJE-01/192**	BR.BLJE-01/280-MAN	GL02/032BP-T		3394
Case 18	**BR.BLJE-01/271**	BR.BLJE-02/360BP	BR.BLJE-02/361BP	GL02/083BPH	5329

Beside some minor inconsistencies in the summary report by Janc in 2013, our further analysis demonstrates that the ICMP list contains 68 bodies identified from Blječeva 1, and we believe that this list was formed after those who died in 1992 were excluded. Out of 68 individuals, 16 were connected by DNA to Glogova 2 and these bodies were disarticulated, often having numerous additional re-associations within Blječeva 1 itself, and with Blječeva 2. Two cases were connected to Glogova 04 and Glogova 06 (two of eight "sub-graves" in the scope of the Glogova 2 mass grave). Seven individual cases with a total of 15 re-associations were complex cases as two brothers were candidates for identification in each case. Therefore, their re-association with other sites (such as Zeleni Jadar 04 and 06, Cerska, Čančari Road 9, or Lažete 2a and even with some surface findings at Jasikovača and Kravica sites) is questionable, as it could also imply that there is not a DNA association between Blječeva and those sites, but, for example, that the remains of one brother were found in Blječeva 1 grave, and those of the other – in some of the other named sites.

The attributes of the majority of the 122 individual cases from the 1992/3 events seem to be convincing (many are complete bodies, buried in regular black PVC body bags, 8 of which being ex-Yugoslav Army "ZOV" body bags), and DNA re-association between this entire series and the Redžići mass grave was established (the body under the site code BR. BLJE-01/004 was re-associated with the case R.B-01-008 from Redžići 1 primary grave).

In summary, forensic evidence indicates commingling of bodies from different contexts. Within this case study, we have tested the possibility that Serbian forces, in an attempt to hide victims from recent mass execution, have additionally created new mass graves, and firstly interred their remains into the bottom of the graves (in this case study, from the Glogova 2 grave). The most superficial burials were then remains from an older, 1992 event, presumably robbed from another primary grave, such as Redžići.

2.9. Limitations of the Interpretation of Events Related to Srebrenica

It is worth emphasizing that the forensic data sourced from the original excavation reports, and the pathological and anthropological reports are of variable quality. Field data collection, excavations, and exhumations have been performed by different organizations and agencies: Physicians for Human Rights – PHR, the ICTY Prosecutor Office experts, ICMP, Bosnia and Herzegovina court authorities, and the Missing Persons Institute – previously the State Commission on Missing Persons. Although basic elements of the forensic archaeology evidence are present, much important data required for a thorough re-analysis is missing. When compared with the other types of documents, such as databases of identified persons and processed cases from the ICMP, PIP, or the reports given by the ICTY OTP, data does not always match, numbers and labels are different, and even some case IDs are disparate. Often less than adequate information is available on archaeological deposits with a lack of clear contextual evidence. For example, although a DNA connection may have been established

between an incomplete body found in primary grave and a body part found in a secondary grave, it is often impossible to trace it archaeologically, as the field reports are often brief and the drawings, photographs, and plans present only the illustrations, not required evidence. Good practice did occur, documented in the Lažete 1 field excavation and exhumation report by Fredy Peccerelli,[229] where the entire research process was presented clearly and completely, even though it was in the complicated situation of a heavily robbed grave. On the other hand, the ICMP DNA databases and OTP reports, and especially the PIP databases often do not correlate among each other, so tracing a specific case through named documents was on occasion extremely difficult.

As particular analyses have been made in order to explain and forensically prove the process of robbing primary mass graves and relocating bodies to newly excavated secondary graves, the scientific basis for the final conclusions should be addressed. Despite DNA-based connections, matching soil and pollen diagrams, ballistic analyses of shell cases and rifles, analyses of the types of textiles/fabrics used for blindfolds, and review of heavy machinery toothmarks, etc., evidence related to stratigraphic deposits, their size and links with particular secondary graves were not usually explored.

The lack of reliable information on the places, the number and context of capture of the troops from the column, the number of the civilians from Potočari, the size of the bus/truck convoy and the number of detainees transported from Bratunac to Zvornik, the number of mass-executed persons, the number of those who died in battles and in other contexts – all are problematic, although they have been combined into a single interpretative narrative. The contents of the series of mass graves in Zvornik Kamenica, i.e. the Čančari Road (13 graves), the Hodžići Road (seven graves), Liplje (five graves), Blječeva (three graves), Zeleni Jadar (six graves), Budak (two graves), and Zalazje (four graves) were simply assumed to be robbed, relocated remains from five major primary sites: Glogova, Orahovac, Petkovci, Branjevo, and Kozluk. This is how the syntagm "secondary graves" was introduced, which persisted with experts and the general public. Thus it was accepted that (at least) those 40 mass graves were specifically dug up in order to relocate human remains from the graves of original inhumation of persons executed in mid-July of 1995. Consequently, it was concluded that the total number of individuals from all named secondary graves, plus the number of individuals found in primary sites would give the best approximation of the number of executed persons.

The case study of the mass grave Blječeva 1 clearly indicates that individuals from different times and contexts were buried together. The ICMP field report[230] implies that deposits 1 and 2, the deepest ones in the grave, contained the remains relocated from Glogova 2, a primary grave, and that the other layers had bodies from a distant grave, likely at Redžići,

229 Fredy Peccerelli, *Lazete 1, Bosnia and Herzegovina – Excavation and Exhumation Report*, Formal OTP report to the ICTY (The Hague: ICTY, 2000), p. X0064000–X0064032.

230 Daley, *Report on the Archaeological Findings Relating to the Excavation of Bljeceva 1*.

connected to a previous episode from 1992. Another clear example of commingling of remains from different time contexts is Zalazje 1, where dozens of DNA-identified Serbian victims from 1992 were buried in the same grave as Muslim victims from July 1995. Finally, several "secondary" graves (such as Čančari or Zeleni Jadar) contain body parts connected directly to surface remains from Pobuđe near Bratunac (the hamlet Krke), or the Baljkovica area (site Tisova Kosa). Attempts to explain these anomalies were not undertaken by investigators, although forensic conclusions that certain secondary graves could contain human remains from different war contexts are well known. Cases from Čančari and Zeleni Jadar could suggest that battlefield sanitation was performed simultaneously with the robbing and relocation of contents of the primary graves.

Finally, even after 25 years the remains of nearly 1,000 Srebrenica victims were never found. Two decades of intensive searches conducted by hundreds of experts have still not offered clear answers about the fate of such a large percentage of the missing. That is why it is appropriate to ask for a scientific re-evaluation of the applied forensic paradigm, methods and results.

3. Conclusion

According to different sources the number of missing individuals related to events in Srebrenica during the summer of 1995 is between 7,000 and 8,000. This number involves the Muslim population, composed almost exclusively of adult males, the majority of whom were recorded as reserve or active military personnel of the ARBiH. After the numerous trials at the ICTY, it was concluded that most of the victims were not killed in combat but in mass executions by the BSA, and were initially inhumed in five primary graves: Glogova, Branjevo, Petkovci, Lažete, and Kozluk. It was generally accepted that the BSA, in order to hide these crimes, then relocated the remains from the majority of the graves to approximately 40 other sites, named secondary graves. According to the ICMP, the remains of approximately 1,000 individuals cited in the Srebrenica-related list of missing persons were never found. There is no documented information about the circumstances of their deaths or disappearances.

Human remains found in the Srebrenica area as surface finds and in a number of small graves derive from over 1,000 individuals, with no evidence that any were executed. Spatial patterns show that the majority of the surface sites are located in the direct line (or in its vicinity) of the breakthrough of the Muslims who left Srebrenica intending to reach Tuzla in July 1995. This could suggest that human remains from these scattered locations most likely belong to victims killed in combat with the BSA.

Archaeo-forensic analysis has demonstrated that the largest number that the primary disturbed (robbed) graves could ever contain cannot be more than 3,150 individuals. The

complete figure of all individuals found in the primary graves includes additional 565 found in non-robbed graves. After the robbing events, 1,772 individuals were left in the primary graves, until their excavations. Forensic evidence suggests that the majority of these individuals were the victims of mass executions, although evidence indicates that at least some may have died in different circumstances. The total number of individuals buried and identified in secondary mass graves was 4,213 (according to Janc),[231] or 4,114 (according to the ICMP List of DNA matching reports),[232] which is much more than maximum number of 1,943 that could be expected as relocated remains. The finding of 4,114 individuals in secondary graves indicates that minimally 2,171 bodies from secondary graves came from alternative contexts, other than systematic execution. To this number at least 1,047 individuals found as surface remains or in small/individual graves should be added, which gives a minimum number of 3,218 who were not executed.

Considerable forensic evidence supports the proposition that the secondary graves could contain individuals who died in combat during the breakthrough to Tuzla. The Srebrenica secondary graves contain considerable numbers of individuals who disappeared "in the forest", but at places in the vicinity of combat lines. Some of those graves have remains connected directly to other surface remains from Pobuđe or from the Baljkovica area. Very limited pathology reports demonstrate that the highest concentration of individuals with explosive wounds was found in the secondary grave sites from the Čančari Road and Liplje, both groups located in combat areas. Commingled bones, the highest intensity of body fragmentations and scattering of the remains, were mostly evident in the Liplje, the Zeleni Jadar and the Čančari Road assemblages, all sites also located in the combat area. Thus, the high fragmentation rate could be the consequence of involvement in active battle and exposure to heavy weapon fire. There is clear forensic evidence demonstrating that in some Srebrenica-related graves there are individuals who died at times other than the summer of 1995, or that the graves contained body parts directly connected to surface remains, indicating that individuals had not been relocated from primary graves.

Additionally, the difference in counting individuals found on the surface or in smaller graves between our analyses (1,047) and the report of Janc (756) indicates that nearly 300 extra persons had likely been added to the remains from mass graves.

All of this demonstrates that many questions still exist regarding the number of individuals who were systematically executed, the number of those who died in combat, and the number who died in other contexts in the summer of 1995. It appears that a thorough cross-referencing of data and matching of the evidence from different sources has never been successfully undertaken. Conclusions based on data presented to the public thus far must therefore be carefully re-evaluated from all aspects of forensic science, before decisions are made on the likely events that led to these unfortunate deaths.

231 Janc, *Update 2013*.
232 ICMP, *93 ICMP list of DNA matching report (from Nov. 2001 to Feb. 2013) Srebrenica related only*.

Acronym List

Acronym	Definition
ADZ03	Surface grave Adžići 03
ARBiH	Army of the Republic of Bosnia and Herzegovina
B	Body
BiH	Bosnia and Herzegovina
BHS	Bosnian, Croatian and Serbian (languages)
BP	Body part
BRZ	Small group grave Brezjak
B.GLO	Surface grave Glogova
BR.BLJE-02	Surface grave Blječeva, number 02
CIA	Central Intelligence Agency
CR	Čančari Road (mass graves)
CR4	Mass grave Čančari Road 4
CR8	Mass grave Čančari Road 8
CR9	Mass grave Čančari Road 9
CR12	Mass grave Čančari Road 12
DEM2T	Statistical record of the mortality
DIV01ZVO	Small group grave Divič 01
DNA	Deoxyribonucleic acid
EDM	Electronic Distance Measurement
GBP	General body part
GL02	Mass grave Glogova 02
GL03	Mass (sub)grave Glogova 03
GL04	Mass (sub)grave Glogova 04
GL05	Mass (sub)grave Glogova 05
GL06	Mass (sub)grave Glogova 06
GL07	Mass (sub)grave Glogova 07
GL08	Mass (sub)grave Glogova 08
GL09	Mass (sub)grave Glogova 09
HZ05	Mass grave Hodžići Road 05
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross

ICTY	International Criminal Tribunal for the former Yugoslavia
ID	Identity document
KAL02BRA	Small group grave Kaldrmica 02
KK1	Mass grave Kozluk 1
KK2	Mass grave Kozluk 2
KK3	Mass grave Kozluk 3
KP01	Mass grave Konjević Polje 1
KP02	Mass grave Konjević Polje 2
KRK	Surface grave Krke
LIP	Surface grave Liplje
LP01	Mass grave Liplje 01
LP02	Mass grave Liplje 02
LZ2a	Mass (sub)grave Lažete 2a
LZ2b	Mass (sub)grave Lažete 2b
LZ2c	Mass (sub)grave Lažete 2c
MNI	Minimal number of individuals
M.KOS	Small group grave Motovska Kosa
NKS1	Nova Kasaba 1996, mass grave 1
NKS2	Nova Kasaba 1996, mass grave 2
NKS3	Nova Kasaba 1996, mass grave 3
NK04	Nova Kasaba 1999, mass grave 4
NK06	Nova Kasaba 1996, mass grave 6
NK07	Nova Kasaba 1996, mass grave 7
NK08	Nova Kasaba 1996, mass grave 8
NN	Nomen nescio
OSCE	The Organization for Security and Co-operation in Europe
OTP	The ICTY's Office of the Prosecutor
PAM (or AAG)	Anti-aircraft gun
PHR	Physicians for Human Rights
PIP	Podrinje Identification Project
PIS	Primary inhumation sites
PVC	Polyvinyl chloride
RSA/BSA	Republika Srpska Army
RV02	Mass grave Ravnice 02
SA-55	Surface grave Zalazje 02

SIS	Surface inhumation site
SNA	Surface grave Snagovo
TIS	Surface grave Tisova Kosa
TIS-1-MNT1-M	Surface grave Tisova Kosa (dental code for T1 tooth)
TIS-1-MNT-2	Surface grave Tisova Kosa (dental code for T2 tooth)
TNI	Total number of individuals
UN	United Nations
ZAL04SRE	Surface grave Zalazje 04
ZJ05	Mass grave Zeleni Jadar 05
ZOV	Type of ex-Yugoslav National Army's body bag
Z.KRZ	Small group grave Križevići
2D	Two-dimensional objects
3D	Three-dimensional objects

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CHAPTER VII

Yukie Osa
Srebrenica and the ICTY

1. Introduction

In his speech, delivered at the 24th Commemoration of the Srebrenica genocide on July 11, 2019, Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals (IRMCT), the last president of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and Presiding Judge of the Popović et al. trial, articulated the ICTY's supremacy and legitimacy.

> Let me emphasise that a conviction for genocide is not a matter for politicians or individuals to decide. Courts alone have the jurisdiction to determine whether a crime has been committed and who is responsible for it, on the basis of the evidence presented and tested, and in accordance with the law and fundamental due process. Those who deny the legitimacy of the findings of the ICTY and the Mechanism must be reminded that the Security Council mandated these institutions – and no-one else – to investigate, prosecute, adjudicate and punish the crimes committed here in July 1995. They must further be reminded that the domestic courts are entrusted with continuing this role into the future, as also envisaged by the Security Council. You must – we all must – be proactive in denouncing and exposing those who would seek to replace the long-standing judgements of international and domestic courts with so-called "findings" of their own.[1]

This chapter does not intend to deny the political legitimacy of the findings of the ICTY and the Mechanism. The judgments and facts established by the ICTY have already become

1 International Residual Mechanism for Criminal Tribunals, "President Agius Pays Respects to Victims at 24th Commemoration of Srebrenica Genocide," July 11, 2019, https://www.irmct.org/en/news/20-09-21-president-agius-pays-respects-victims-24th-commemoration-srebrenica-genocide
Under this press release there is a disclaimer: "Exclusively for the use of the media. Not an official document." However, this press release is published on the official website of the IRMCT.

a critical part of the local, national (or at least on the Federation side of the Bosnia and Herzegovina), regional and international history, upon which not only people's lives but also national and international politics, as well as certain academic theories and studies have been built. However, even though the findings of the ICTY have the political legitimacy, they do not necessarily constitute factual history. History is not as black and white as court rulings and "writing about the past, when done well, is complex and messy."[2] The ICTY cannot prohibit or ban academic research, though some academia might consider it taboo to challenge the ICTY, especially on the Srebrenica case.

The ICTY defined its "Tribunal Achievement" in its leaflet: "Bringing justice to Victims, Holding Leaders Accountable, Individualizing Guilt, Giving Victims a Voice, Establishing the Facts, Strengthening the Rule of Law, Developing International Law and Creating an Effective Outreach Programme."[3]

Of all these achievements, the one that relates most to this chapter is "establishing facts." The leaflet, although with the disclaimer "not an official document," states: "The ICTY has established beyond a reasonable doubt many facts related to the crimes committed in the former Yugoslavia. Through its proceedings, the Tribunal has contributed to the creation of a historical record, combating denial and preventing revisionism."[4]

This achievement is said to have "created an 'indisputable' record of the major atrocities committed during the Yugoslav wars which will help future generations to formulate a common history of the wars – something which notably was missing after the traumatizing events of World War II."[5] If so, future generations should know how the indisputable record was established; by adopting certain facts while denying other facts. In addition, while the ICTY's contribution has been massive, especially as it "irreversibly changed the landscape of international humanitarian law,"[6] it should not automatically be viewed as being without flaws/faults as a historiography and genocide study.

Simply comparing the Srebrenica case to or with the Holocaust is politically incorrect, ethically unacceptable to those who acknowledge the uniqueness of it and consider that academically premature, tactless, or simply wrong. Having said that, in certain contexts, a comparison of the two is appropriate and the author considers this chapter such a case. Acknowledging that serious crimes were committed, including crimes against humanity and violations of the laws or customs of law, the Commission has reached a different conclusion regarding the crime of genocide (see chapter on legal perspective).

This chapter will review the process and the way in which the ICTY *determined* certain facts, especially those relating to the number of persons killed in executions and motives and backgrounds of the crime.

2 Dan Stone, "Introduction," in *The Historiography of Genocide*, ed. Dan Stone (Hampshire: Palgrave McMillan, 2008), 5.

3 ICTY/Outreach Programme/Graphic Unit, "United Nations International Criminal Tribunal for the Former Yugoslavia," June 2017.

4 Ibid.

5 Martin Mennecke, "Genocidal Violence in the Former Yugoslavia: Bosnia Herzegovina," in *Centuries of Genocide, Essays and Eyewitness Accounts*, eds. Samuel Totten and William S. Parsons, 4th ed. (New York: Routledge, 2013), 489.

6 "About the ICTY," International Criminal Tribunal for the former Yugoslavia, https://www.icty.org/

2. ICTY as an Organ Established by the Security Council

It is not an exaggeration to say that Srebrenica is "one of the most thoroughly researched mass crime[s] in history."[7] As a historian writes, "a steady production of legal material – indictments, exhibits, testimonies, material evidence and judgments – about Srebrenica was readily available."[8] A massive amount of evidence and information has been gathered by, amongst others, the International Criminal Tribunal for the Former Yugoslavia.[9] However, the historian writes, "information does not readily turn into knowledge."[10] Even though the ICTY insists that it has contributed to the creation of a historical record,[11] this massive amount of evidence and information was analyzed to be used ultimately and exclusively for determining the criminal responsibility of the accused.

The ICTY was established by the Security Council of the United Nations through Resolution 827 on May 25, 1993. This chapter intends to challenge the "common sense" of certain facts *established* by the ICTY, since the ultimate goal of the Tribunal is to hold the leaders accountable, and it was indicated that some facts had been *determined* to support this goal, just as Article 39 in Chapter VII of the Charter of the United Nations states.[12]

> Chapter VII: Action with Respect to Threats to the Peace, and Acts of Aggression
>
> Article 39
>
> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security. [Underlined by the author of this chapter.]

Needless to say, the Security Council is the most important political body in the United Nations. For scholars of International Criminal Law, it should be common knowledge that the fact that the ICTY was established by the ultimate political body both lends political legitimacy to it and raises certain reservations about its independence and impartiality as a judicial organ.

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7 Vladimir Petrović, review of *Investigating Srebrenica: Institutions, Facts, Responsibilities*, edited by Isabelle Delpla, Xavier Bourgarel and Jean-Lous Fournel, *Southeast European and Black Sea Studies* 13, no.1 (2013): 119-120.

8 Petrović, review of *Investigating Srebrenica*, 119-120.

9 Ger Duijzings, "Scholars (Not) Investigating Srebrenica. Academic Feuds and Other Shortcomings," *Südosteuropa* 65, no. 3 (2017): 589-595.

10 Petrović, review of *Investigating Srebrenica*, 119.

11 As for the creation of a historical record, its leaflet, although with a disclaimer "not an official document," says: "The ICTY has established beyond a reasonable doubt many facts related to the crimes committed in the former Yugoslavia. Through its proceedings, the Tribunal has contributed to the creation of a historical record, combating denial and preventing revisionism." ICTY/Outreach Programme/Graphic Unit, "United Nations International Criminal Tribunal for the Former Yugoslavia," June 2017.

12 U.N. Charter Charter ch. VII, art. 39.

A similar perception is clearly observed in the famed international document, the Human Rights Commission report, also referred to as the Frits Kalshoven Report.[13] These are important documents since its Interim report is said to be among the elements that motivated the International community to establish the ICTY. Its Final Report, S/1994/674 dated May 27, 1994, states:

> 131. With respect to the practices by Serbs in Bosnia and Herzegovina and Croatia, "ethnic cleansing" is commonly used as a term to describe a policy conducted in furtherance of political doctrines relating to "Greater Serbia".[14]

> 147. "Ethnic cleansing" practices committed by Bosnian Croats with support from the Republic of Croatia against Bosnian Muslims in Herzegovina are politically related. . . . But, the Croatian authorities have publicly deplored these practices and sought to stop them, thereby indicating that it is not part of the Government's policy.[15]

> 148. Bosnian Government forces have also committed the same type of grave breaches of the Geneva Conventions against Serbs and Croats, but not as part of a policy of "ethnic cleansing". The number of these violations, as reported, is significantly less than the reported violations allegedly committed by the other warring factions.[16]

3. Discrepancies between Adjudicated Fact 1476[17] and the Number of those Killed in Combat

The political character of the ICTY is clearly observed in how the total number of those killed in July 1995 was established. The total number of people missing or presumed dead was calculated by Helge Brunborg and others, the demographic experts for the Office of the Prosecutor (OTP) at the ICTY. First, in the Krstić Trial, Brunborg and Henrik Urdal were requested by the OTP to validate the number of missing persons in connection with the fall of the enclave of Srebrenica. They compared data from the database of missing persons on the territory of Bosnia and Herzegovina – database of the International Committee of the Red Cross (ICRC) and the ante-mortem database of the American humanitarian NGO Physicians for Human Rights (PHR) – in order to compile a consolidated list of missing persons. They then analyzed the individual records of missing persons from this consolidated list in order

13 *Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, UN doc. S/25274, February 10, 1993. UN Security Council, *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, UN doc. S/1994/674, May 27, 1994.

14 UN Security Council, *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, UN doc. S/1994/674, May 27, 1994, para.131.

15 Ibid. para.147.

16 Ibid. para.148.

17 Djudicated fact 1476: 7,000-8,000 men were systematically murdered.

to identify the number of persons that went missing. They also compared the ICRC and PHR lists of missing persons with the OSCE Voters' Register for Bosnia and Herzegovina, for the 1997 and 1998 elections, to exclude the possibility that those registered as missing on the ICRC and PHR lists, and presumed dead, could still be alive. Finally, data were compared with files from the 1991 Census in Bosnia and Herzegovina containing relevant information on all inhabitants of the country in 1991. This information was utilized to investigate whether potential cases of persons appearing both on the ICRC and PHR lists of missing persons and on the voters' lists were actually identical. Information from the Census was additionally used to verify whether persons on the missing lists were actual persons who were alive in Bosnia and Herzegovina in 1991. As a result of this investigation, they concluded that a minimum of 7,475 persons from the Srebrenica enclave were missing and presumed dead.[18] In the conclusions, they explained why the figure of 7,475 was considered the "minimum."

> Also, an unknown number of persons were probably not reported as missing, for various reasons. Our estimate is lower than the commonly referred to range of 8-10,000 killed persons, which need not be wrong but which we do not find that sufficient evidence has been provided for. Thus, the actual number of killed and missing is likely to be higher than 7,475 and this figure should be considered a minimum estimate.[19]

The figure of 7,475 as the minimum number of missing persons in connection with the fall of Srebrenica was also used in the Trials of Blagojević and Jokić[20] as well as of Slobodan Milošević[21]. This list of 7,475 missing persons, presumed dead has been revised twice since then, in the Popović et al. trials in 2005 and 2008, respectively. In 2005, the revised list increased by 186 missing persons, reaching 7,661,[22] and in January 2008 by 165, reaching 7,826, when the list was cross-referenced with the then-current ICMP DNA matching data.[23] This revised number took into account the 165 persons who had previously not been reported missing in the ICRC or PHR data.[24] The OTP insisted that "the reliability of this number of missing or dead persons is corroborated by increasing overlaps with the ICMP DNA matching

18 Helge Brunborg and Henrik Urdal, "Report on the Number of Missing and Dead from Srebrenica," Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia, February 12, 2000, https://www.icty.org/x/file/About/OTP/War_Demographics/en/krstic_srebrenica_000212.pdf

19 Brunborg and Urdal, "Report," 10.

20 *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-T, Trial [transcript], 040203IT, 3 February 2004, 6968. *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-T, Trial Judgement, 17 January 2005, para 291, note 1048.

21 *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54, Trial [transcript], 040211ED, 11 February 2004, 31939.

22 Helge Brunborg, Ewa Tabeau and Arve Hetland, "Missing and Dead from Srebrenica: The 2005 Report and List," Office of the Prosecutor, Expert Report for the Case of Vujadin Popović et al. (IT-05-88), November 16, 2005.

23 Brunborg, Tabeau and Hetland, "Missing and Dead from Srebrenica."; *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Prosecution's Notice of Filing a Public Redacted Version of the Prosecution Final Brief, 14 July 2010, para. 1134.

24 Ibid.

data as the numbers of DNA-identified persons continues to grow."[25] The OTP also asserted that "the demographics results are also close to and consistent with the number of 7,789 victims registered as reported missing from Srebrenica in the ICMP database of blood donors."[26]

The list of 7,826 is smaller than, for example, the list of 8,372 presented at the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide. Though noting the above number, this chapter uses 7,826 as the total number of missing persons, following the OTP's position whose demographers did not use documents from any of the parties to the conflict in order to ensure complete neutrality.[27] In conclusion, the total number of missing and presumed dead, authorized by the ICTY, is 7,826. This means that the total number of executed cannot surpass this number.

The Popović et al. Trial Judgment on 30 July 2009 said, "at least 5,336 identified individuals were killed in the executions following the fall of Srebrenica."

> The Trial Chamber is satisfied beyond reasonable doubt that at least 5,336 identified individuals were killed in the executions following the fall of Srebrenica. The Trial Chamber also notes that the evidence before it is not all encompassing. Graves continue to be discovered and exhumed to this day, and the number of identified individuals will rise. The Trial Chamber therefore considers that the number could well be as high as 7,826.[28]

This statement shows that the ICTY considers all individuals exhumed from the related graves were killed in the executions, except surface remains. On January 30, 2015, the Appeals Chamber "dismissed all challenges regarding the total number of deceased"[29] and endorsed the Trial Chamber's decision.

The same position is observed in the Mladić Trial Judgment of November 22, 2017. The Judgment noted:

> With regard to the crime of genocide in particular, the Trial Chamber recalls its findings in chapter 8 that at least 3,720 Bosnian-Muslim males were killed and thousands of Bosnian Muslims in Srebrenica were subjected to serious bodily or mental harm, which contributed to the destruction of the targeted group as a result of actions of members of the VRS, military police, civilian police, special police, Drina Wolves, and paramilitary formations.[30]

25 Ibid. para.1135.
26 Ibid.
27 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Prosecution's Notice of Filing a Public Redacted Version of the Prosecution Final Brief, 14 July 2010, para. 1134.
28 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Trial Judgement, 10 June 2010, para 664.
29 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić, Vinko Pandurević*, Case No. IT-05-88-A, Appeal Judgement, 30 January 2015, para. 342.
30 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial Judgment (Volume IV of V), 22 November 2017, para. 5129.

It also accepted "Adjudicated Fact 1476 stating that between 7,000 and 8,000 Bosnian Muslim men were systematically murdered":

> With regard to the number of victims, the Trial Chamber took judicial notice of Adjudicated Fact 1476 stating that between 7,000 and 8,000 Bosnian-Muslim men were systematically murdered. The Trial Chamber understands this Adjudicated Fact to refer to the killings of Bosnian-Muslim males separated from the Bosnian-Muslim women, children, and elderly in Potočari and captured from the column following the take-over of Srebrenica in July 1995. In chapters 7.2-7.14 and 8, for a considerable number of these men, the Trial Chamber established connections between bodily remains found in primary and secondary mass graves and the incidents specifically charged in the Indictment. Its findings in this respect are consistent with Adjudicated Fact 1476, also considering its approach on calculating the number of victims, set out in Appendix B (note 13005).[31]

Adjudicated Fact 1476, stating that "between 7,000 and 8,000 Bosnian-Muslim men were systematically murdered," was also adopted in the Radovan Karadžić case. This part of the judgment contradicts what they had found in other instances, shown next. The ICTY actually accepted the military loss of the people in the column.

3.1. Military Loss of the Column and the Legality of the Action

As other chapters, especially the criminal investigation chapter explored, there was massive military loss in the column, which contradicts adjudicated fact 1476. It is a fact that a large number of Muslims were executed, while thousands were killed in combat, attacks, suicides, mutual fighting, and so forth, according to witness reports from survivors of the Army of the Republic of Bosnia and Herzegovina (ARBiH) shown below. Such a variety of causes of death are recorded in international documents, including ICTY judgments. Furthermore, although the ICTY did not refer to the number of those who were killed in combat and military action, the judgments share the notion that the military action itself was legal:

> About one third of the Bosnian Muslim column was comprised of soldiers from the 28th Division, and about two-thirds were Bosnian Muslim civilian men from Srebrenica. (note 382) The military experts for both the Prosecution and the Defence agreed that, under VRS regulations, the column qualified as a legitimate military target. (note 383) Certainly the Indictment in this case does not allege that the combat activities against the column were deliberately or indiscriminately directed against civilians in the column. However, thousands of Bosnian Muslim men were also captured from the column, most of them civilians, transferred to detention sites, and subsequently executed. Consequently, the knowledge the Drina Corps had of the column, as well as Drina Corps involvement in action taken against it, particularly the capture of Bosnian

31 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial Judgment (Volume III of V), 22 November 2017, para. 3007.

> Muslim prisoners, forms a critical backdrop to the Trial Chamber's findings on the criminal responsibility of General Krstic for the Srebrenica crimes.[32]

The same position is reiterated in the Mladić Trial Judgment:

> The Trial Chamber received evidence from a number of witnesses pertaining to dead bodies seen along the path the column took. The Trial Chamber also received evidence from a number of witnesses that people in the column were committing suicide and killing one another. Due to a lack of specificity with regard to the status of the victims and the manner in which these people died, the Trial Chamber has not considered these incidents in the context of killings as charged in the Indictment.[33]

Jean-René Ruez, who worked for the ICTY Prosecutor's Office as the Lead Investigator in the Srebrenica Investigation, commented on this issue in his interview in the book entitled *Investigating Srebrenica:*

> Most of the men gathered at a place called Šušnjari, in the northwest corner of the enclave, where they later decided to cross the lines, traversing minefields in single-file formation. They included the soldiers of the twenty-eighth division of the Army of the Republic of Bosnia-Herzegovina as well as all able-bodied men who had not left for Potočari. It was not until the following day at noon that the tail end of the column finally left Šušnjari. The column was comprised of a mix of armed men and unarmed civilians. At this point, it was possible to consider every man as a "potential combatant though in civilian dress"—the previous day a general mobilization order had been issued to the entire male population of the enclave—or in any case as legitimate military targets to the degree that men were still carrying arms or were marching among soldiers.
>
> This column reached the road intersection located at Konjević Polje. With the soldiers leading, around eight thousand crossed this sector in the evening of the 12th. I will say nothing further of the fate of this military column because it is not part of the inquiry: six thousand of them joined the Bosnian forces after breaking through the lines near Zvornik on 16 July, an episode that belongs to military history, not to the criminal record. Since we are unable to prove that they were murdered, those killed while seeking to flee the enclave must be considered as combat deaths and so are not counted among the victims who were executed while being held by the Army of the Republika Srpska. Indeed, the ICTY inquiry, in conformity with international humanitarian law, does not judge military combat or the fate of combatants. It does, however, apply to the fate of non-combatants, whether originally soldiers or civilians; it applies, in other words, to all those who are not, or are no longer, in a position to fight. [34]

32 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-T, Trial Judgement, 2 August 2001, para. 163.

33 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial Judgment (Volume III of V), 22 November 2017, para. 2660.

34 Isabelle Delpla, "The ICTY Investigations: Interview with Jean-René Ruez," in *Investigating Srebrenica: Institutions, Facts, Responsibilities*, eds. Isabelle Delpla, Xavier Bougarel and Jean-Louis Fornel (New York, Berghahn 2014), 24-25.

3.1. Tendencies to Avoid Referring to the Military Nature of the Column

The tendency to avoid touching on or referring to the military action conducted by the column was observed, for example, in the "Fall of Srebrenica," a 1999 UN Secretary-General's Report (hereinafter: the 1999 UNSG Report),[35] one of the most important and authoritative documents on the matter. The report is remarkable for the balance it establishes between readability and intelligibility in retracing the action of UNPROFOR.[36]

However, a certain deliberation was clearly observed when it described the members of the column, the Bosniak men of Srebrenica who gathered in Šušnjari to move out of the enclave into surrounding Serb territory heading for Tuzla. "Perhaps a third of them were armed."[37] In the parts "VII. Fall of Srebrenica: 6-11 July 1995" and "VIII. Aftermath of the fall of Srebrenica" of the 1999 UNSG Report, the Serbs were referred to using military terminology from start to finish such as "the Bosnian Serb Army," "BSA," and "Serb soldiers."[38]

In contrast, how the Bosniaks were referred to differs before and after the fall of Srebrenica. Before the fall, in the scene where the fighting in and around Srebrenica was described,[39] prior to the safe area resolutions from 1993, they were called "Armed Bosniaks" (in para. 33), "the Bosniak forces which took control of Srebrenica" (in para. 34), "Bosniak forces from Srebrenica" (in para. 36), "Bosniak forces" (in para. 37), and the Bosnian Government forces in the enclave (in para. 230). During the attack of the BSA from July 6 to 11, 1995 (in paras. 239-317), military-related words were used: "the Army of the Republic of Bosnia and Herzegovina" (in subtitle A on page 57), "ARBiH" (in paras. 239, 240, 248, 249, 251, 253, 258, 263, 271, 274, 281, 283, 293, 295, 304 and 314), "Bosniak forces in Srebrenica" (in para. 240), "Bosniak units" (in para. 244), and "armed ARBiH soldiers" (in para. 254).

However, the expressions drastically changed after the departure of the column. When describing the gathering and the departure of the column, the expressions were mixed; while the subject of the sentences were "the Bosniak men" and "the men," it was referenced in them that they were divided into "brigade groups" and "units," which are military terms (in para. 316). From paragraph 317 and "Section VIII. Aftermath of the fall of Srebrenica: 12-20 July1995" (paras. 318-393), these military terms and expressions disappeared. "The column of Bosniak men" (in para. 317), "the Bosniaks" (in para. 317), "the column of men and boys" (in para. 385), and "the Bosniaks who survived the six-day march" (in para. 386), were the typical terms.

35 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999.

36 Delpla, Bougarel and Formel, *Investigating Srebrenica*, 154.

37 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, para.316.

38 Yukie Osa, *Srebrenica – An Analysis of a Genocide* [original in Japanese] (Tokyo: Toshindo Publishing, 2009), 242-245.

39 United Nations General Assembly, "F. Srebrenica prior to the safe area resolutions," in *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999.

Even when scenes of heavy fighting or engagements in combat were being described, the term ARBiH was not used: "Behind this first group of Bosniaks, the middle section of the column was being ambushed. A large section of the column had stopped to rest at a clearing near Kamenica, known locally as Kameničko Brdo. Survivors recalled that a group of at least 1,000 Bosniaks were engaged at close range by small arms" (from para. 344).

It should also be pointed out that the first or front unit was the strongest[40] and that its members were in combat positions; nonetheless, the term "ARBiH" was not used: "On the morning of 13 July, the first group of Bosniak men in the woods who had passed through the Serb cordons and had survived the ambush at Kameničko Brdo pressed on to high ground at Udrč in the municipality of Vlasenica, sporadically firing back at the pursuing Serbs" (from para. 347).[41]

This was the case at the scene of heavy fighting when the head of the column crossed the final frontline. The following excerpt is symbolic and related to the study which constitutes this chapter:

> As the column of Bosniak men approached the main Serb-Federation confrontation line, they had attacked a Serb command post, capturing two tanks and a 20-mm Praga gun. Using the captured tanks and guns, the Bosniaks then crossed the first of three lines of Serb trenches. They then signalled forward to the Federation, hoping that the ARBiH Second Corps would launch an operation to hold down or divert Serb forces as they attempted to cross the confrontation line. The Second Corps did not mount any such diversionary attacks. However, Srebrenica's former commander, Naser Orić, had assembled a company of volunteers on Federation territory. When Orić and his men ascertained the location at which the Srebrenica men would try to cross the Serb lines, they attacked the area, causing the Serbs to partially evacuate their forward trenches. This left only limited Serb positions between the column of men and Orić's fighters. The men in the column were ordered to use all their remaining ammunition on this last line of Serb defence, including rounds which were being held in reserve for suicide in the event of capture. They broke through the Serb lines and reached ARBiH territory.[42] [Underlined by the author of this chapter.]

It is understandable that the author of this UNSG report hesitated or was reluctant to use the military related terms to describe those men who, including soldiers and civilians, armed

40 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, para. 316 ("the strongest units moving out first").

41 It should also be noted that the VRS side considers those men as soldiers. For example, United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, para. 353 ("General Mladić had told them [the UN military observers] that there were 'several hundred' bodies of dead Bosnian soldiers in the Bandera triangle portion of the enclave. Mladić had requested Dutchbat to inform the ARBiH that it was not his 'intention to kill any more soldiers. They only have to surrender and hand over their weapons'").

42 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, para. 386.

or unarmed, were captured or surrendered to brutally have their lives taken. However, why did the author refrain from using any words related to the military to describe the surviving fighters who attacked the Serb forces and conquered them? They were part of the Second Corps but were simply called "Srebrenica men." It is not known whether it was the primary author or an editor who gave special deliberation to this issue, but readers should note this fact since other parts of the report are neutral, except in the concluding remarks of part "XI. The fall of Srebrenica: an assessment" (paras. 467-506).

The same tendency was observed in the Krstić Trial Judgment. Before the departure of the column, the descriptions were: a column together with members of the 28th Division of the ARBiH (in para. 60), whereas after the departure the terms used were *the column* (in paras. 62, 64, 65), *these men* (in para. 63), and the *Bosnian Muslim men* (in paras. 63, 64). The terms used in connection with the scene of the fighting were "intensive combat between the Bosnian Muslim Column and the Zvornik Brigade" (in para. 85), "the head of the column" (in para. 65) and "the armed head of the Bosnian Muslim Column" (in para. 85).

3.1. **Effect of the Neglect of the Military Action**

What kind of an effect did the neglect of the military action produce? First, it overestimated the number of those killed in executions, which resulted in obscuring the cause and purpose of the crime of mass killing. In order to judge on the criminal responsibilities of the accused, it might not matter to the Tribunal whether the number of those killed in executions is 7,000 or 3,000, since, in any case, it is an unacceptable and unbearable number of victims. However, when one thinks of the prevention of similar crimes, peace building in the region, as well as establishing a historical record, grasping the true picture is indispensable.

The number of those killed in executions was estimated by the Commission's forensic and criminal investigation team. There is a grave difference between 7,000-8,000 and the Commission's estimates. Where does the difference come from?

3.1.1. **Questioning the Number of Those Killed at Mass Execution Sites Estimated by the ICTY: Branjevo Military Farm**

In the author's table at the end of this chapter, entitled "Killing sites and the number of killed in the Mladić Trial Judgement (pp. 1601-1606) tabulated by the author" (Appendix 1), there are numbers of persons killed in each location, as estimated in the latest judgment in the Srebrenica related cases by the ICTY, the Mladić Trial Judgment.[43] The total number of persons killed at 23 sites, including seven mass execution sites and 16 sporadic killing sites, is 4,668-4,873, which greatly differs from the Commission's findings. Where does the discrepancy come from?

43 In Chapter 7, the Trial chamber reviewed the evidence starting from the takeover of the Srebrenica enclave to Burial operations (1210-1583). Sections 7.2 through 7.15 describe details of the killings at various sites. Chapter 8 is about legal findings on crimes.

A hint can be found in the case of the Branjevo Military Farm, where the greatest number of victims of the Srebrenica massacre was recorded. The Branjevo case shed light on gaps/contradictions between the so-called facts *established* by the ICTY judgments and evidence.

The very top of the IRMCT's website reads "IRMCT remembers Srebrenica 25."[44] In the timeline section of this special issue, the IRMCT states: "Around 1,200 Bosnian Muslim men and boys are executed by Bosnian Serb Forces at the Branjevo Military Farm."[45] The number of those executed at the Branjevo Military Farm was estimated on the basis of the testimony of Dražen Erdemović, who said that he himself killed about 70 persons in Branjevo. Although Erdemović was not "the big fish" whom the ICTY targeted, he was a very special and symbolic person in many ways; being the first who surrendered to the ICTY and the first to receive a judgment, as well as the first to enter a guilty plea at the tribunal and was sentenced to five years of imprisonment. He is such an important witness for the Prosecution that he has testified throughout the course of 15 years as a witness in separate trials, from 1996 to 2013,[46] providing significant and detailed evidence about the crimes committed in the Srebrenica area. Because of his testimony, the Branjevo case became a symbol of the Srebrenica massacre, in many ways, the greatest crime site.

3.1.2. **Description of the Crime by Dražen Erdemović**

As one of the eight members of the VRS 10th Sabotage Detachment, he willingly provided evidence of the mass execution of prisoners at the Branjevo Farm and at the Pilica Cultural Center on July 16, 1995.

Erdemović described the details of the crime:

> On the morning of 16 July 1995, Erdemović and seven members of the 10th Sabotage Detachment of the VRS were ordered to leave their base at Vlasenica and go to the Pilica farm, north-west of Zvornik. When they arrived there, they were informed by their superiors that buses from Srebrenica carrying Bosnian Muslim civilians between 17 and 60 years of age, who had surrendered to the members of the Bosnian Serb police or army, would be arriving throughout the day.
>
> Starting at 10 o'clock in the morning, members of the sabotage detachment made men in the first buses get off in groups of 10. The men were escorted to a field adjacent to the farm buildings where they were lined up with their backs to the firing squad. The

44 As written on the homepage of the official website of the International Residual Mechanism for Criminal Tribunals: https://www.irmct.org/en

45 "Srebrenica: Timeline of a Genocide," International Residual Mechanism for Criminal Tribunals, https://www.irmct.org/specials/srebrenica/timeline/en/story

46 Prior to the final testimony on July 3, 2013 in the Mladić case, Erdemović had testified before the Tribunal: Karadžić and Mladić Rule 61 hearing: 5 July 1996, Erdemović case: 19-20 November 1996, Krstić case: 22 May 2000, S. Milošević case: 25 August 2003, Popović et al. case: 4-7 May 2007, Perišić case: 6-7 July 2009, Tolimir case: 17 May 2010, Blagojević and Jokić case: Rule 92 bis, Karadžić case: 92 bis. (Prosecution witnesses – Prosecutor vs. Ratko Mladić)

> members of the 10th Sabotage Detachment who composed the firing squad, including Erdemović, then killed the men. Erdemović carried out the work with an automatic weapon. The executions continued until about 3 o'clock in the afternoon.
>
> The accused estimated that there were about 20 buses in all, each carrying approximately 60 men and boys. He stated that he believed he had personally killed about 70 people.[47]

In short, according to the ICTY sentencing judgment,[48] 1,000 to 1,200 Muslim men, aged 17 to 60, were taken off buses in groups of ten and were escorted to a field next to the farm buildings, where they were lined up with their backs to a firing squad. Then the men were executed by Dražen Erdemović and seven others. Although the ICTY judgment stated that they were helped by soldiers from another brigade, later in the trial, one before the Court of Bosnia and Herzegovina, it was revealed that soldiers from another brigade came in the last bus,[49] meaning that the firing squad consisted of only eight members. The remaining seven other members are: Brano Gojković, Aleksandar Cvetković, Vlastimir Golijan, Franc Kos, Stanko Savanović (Kojić), Zoran Goronja, and Marko Boškić.[50]

Germinal Čivikov clearly stated the mystery of this judgment:

> Let us assume that they shot a group of ten every ten minutes. Even this would be an extremely short time span in view of all the details given about the procedure. In total there would have been 120 groups of ten prisoners. If they are supposed to have shot group after group within a time of ten minutes each, which is already an unprecedented tempo, then it would need at least twenty hours to shoot 1,200 people.[51]

If they executed 1,200 victims in five hours starting around 10:00 and finishing at around 15:00, they had to shoot a group of ten people every 2.5 minutes (1,200 men ÷ 10 men = 120 groups, 120 groups ÷ 5 hours = 24 groups/hour, 60 minutes ÷ 24 groups = 2.5 minutes).

The Trial Panel verdict in the Kos et al. case at the BiH Court concluded that the total number of persons killed at the Branjevo Military Farm was 800.[52] If they executed 800

47 Communications Service of the International Criminal Tribunal for the Former Yugoslavia, *Case Information Sheet: "Pilica Farm" (IT-96-22) Dražen Erdemović*, 3.

48 *Prosecutor v. Drazen Erdemovic*, Case No. IT-96-22-T, Sentencing Judgement, 29 November 1996.

49 *Prosecutor v. Franc Kos, Stanko Kojić, Vlastimir Golijan, Zoran Goronja*, Case No. S1 1 K 003372 10 KrI (reference: X-KR-10/893-1), Verdict, pronounced on 15 June 2012 [hereinafter: *Kos et al.*, Verdict].

50 Franc Kos, Stanko Kojić, Vlastimir Golijan and Zoran Gornja were indicted by the Court of Bosnia and Herzegovina. On June 14, 2012, at the Trial Panel, Stanko Kojic was sentenced to 43 years, Franc Kos and Zoran Goronja to 40 years respectively, and Vlastimir Golijan to 19 years of imprisonment. On February 15, 2013, at the Appellate Panel, Kos was sentenced to 35 years, Kojic to 32 years, Goronja to 30 years and Golijan to 15 years of imprisonment for crimes against humanity. Marko Boškić was sentenced to 10 years of imprisonment for crimes against humanity in 2010. Aleksandar Cvetković was acquitted in July 2015 by the BiH Court. Brano Gojković was sentenced to 10 years of imprisonment by the Court of Serbia.

51 Germinal Čivikov, *Srebrenica: The Star Witness*, trans. John Laughland, (Belgrade: Srebrenica Historical Project, 2010), 64.

52 *Kos et al.*, Verdict,109, para. 567.

victims in five hours, they had to shoot a group of ten people every 3.75 minutes.[53] That is still less than four minutes. The Trial Panel admitted their doubts. When one of the accused, Vlastimir Golijan, the driver of the unit, insisted that he killed 25 to 50 in total,[54] the Panel said he offered an unrealistic number of persons he killed to devalue the importance of his role.[55] In this argument, the Panel revealed its doubt about the number of 800 saying that,

> the Panel was mindful of the relatively small number of members of the Detachment compared to the number of the killed people and it therefore cannot accept that the accused participated in the killings of no more than 50 captives, that is, that the role of any member of the Unit in Branjevo was insignificant, because the intensive executions in which they all participated from 10:00 to 16:00 hrs. resulted in the death of about 800 persons.[56]

This means that the Panel does not even consider 800 to be a realistic number. When Erdemović testified before the Tribunal in the Mladić Trial, Stojanović, Mladić's defense counsel, cross-examined him on this issue, questioning him about the number of buses, the distance between buses, and the execution site. Judge Orie intervened:

> JUDGE ORIE: That's already in the evidence, Mr. Stojanovic. There was an estimate, between 15 and 20, and you don't give such an estimate if you have counted them. Could you please try to focus on the core of the matter.[57]
>
> [Stojanović continued – Q: Stojanovic, A: Erdmović]:
>
> Q. To the best of your recollection, did all or the majority or the minority of the prisoners wear blindfolds?
>
> A. As far as I can remember, only the people on the first bus were blindfolded. That's the best I can remember. I can't tell you exactly.
>
> Q. Did you take people from the place where the buses stopped to the site of the execution? When I say "you," I mean members of your group.
>
> A. Yes.
>
> Q. You spoke in your earlier testimony about the fact that their pockets were searched and they were ordered to empty their pockets. Did that happen on the walk between the place where the buses stopped and the site of the execution?
>
> A. I believe they were told that when they got off the buses.
>
> Q. You took people out in groups of ten; correct?

53 800 men ÷ 10 men = 80 groups, 80 groups ÷ 5 hours= 16 groups/hour, 60 minutes ÷ 16 groups= 3.75 minutes.
54 *Kos et al.*, Verdict, p88, para. 449.
55 *Kos et al.*, Verdict, p88, para. 450.
56 Ibid.
57 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 130703ED, 3 July 2013, 13766.

A. Yes.[58]

Then, Judge Orie once again intervened:

JUDGE ORIE: Mr. Stojanovic, I hear a lot of questions which are answered by the witness in the -- in his previous testimony, and there's no follow-up, so it's just a repetition of what is already in evidence, such as the first bus, people being blindfolded or not. Well, you accept the answer, apparently. That's what the witness testified before. Would you please conduct cross-examination rather than spend time in court on matters which are unnecessary at this moment.[59]

Stojanović explained why he had asked these questions, pointing out the inconsistencies in Erdemović's statements:

STOJANOVIC: Thank you, Your Honour. I know that many of these things have been asked already and there are differences in these statements. Let me just finish. This is just an introduction to what I want to ask.

Q. I will end with this question: To the best of your ability to estimate, how long did the whole process take, to take people out of the buses, to take their personal items away, to take them to the execution site and to execute them.

A. I cannot tell you. I cannot tell you how long that took. As I told you before, I wasn't looking at my watch and timing how long things lasted, how many buses came, how many people were on them. It was sheer horror to any human being, and in that situation to think about how many minutes, how many hours it took to count the people, the buses, I'm really sorry, I didn't do that.

Q. But you took part in it, sir.

A. Yes.

Q. You were a witness to that.

A. Yes.

Q. And we're asking you why --[60]

Judge Orie intervened again, stating:

JUDGE ORIE: Mr. Stojanovic, there's no reason to put to a witness that he should know the exact times, numbers, et cetera, because he was there. Would you please refrain from doing that. And would you please try to conduct cross-examination of this witness.[61]

58 Ibid.
59 Ibid,13767-13768.
60 Ibid,13767.
61 Ibid,13767-13768.

Prior to this scene, Stojanović questioned the differences between the statements of Erdemović and Franc Kos, in connection with whether Erdemović volunteered or was forced to go to Branjevo, producing the related part of the transcript of Franc Kos's testimony dated May 8, 2010. The Prosecutor admitted that there existed several versions and called Erdemović's version genuine since "Erdemović has been very public for many years on his version of events" as follows. The Prosecutor stated:

> MR. McCLOSKEY: And, Mr. President, I would say to go deeper into a statement like this, as you have learned, this is – he's been arrested in Croatia on very serious charges. He has been questioned by Mr. Blaszczyk as we can see, and Mr. Erdemović has been very public for many years on his version of events, so you have a person that is saying other things. And this is not, in my view, the most reliable document in the world, and I think it needs to come in under the Rules of the Tribunal, not -- not under an 89(C) backhanded way. If any of it's going to come in -- I don't mind what he's read, but when you start having to get in the context and understanding from a document like this I would say no.[62]

It is impossible to find out the real number of the people executed at Branjevo Farm on July 16, 1995. However, if the ICTY's 1,200 Branjevo Farm victims contribute to the total number of 7,000-8,000 victims, the BiH Court's 800 decreases the total by at least 400. The Commission's forensic team analyzed the primary mass grave at Branjevo – its original shape, size, and context. Their analysis resulted in the final estimation of the capacity of the primary mass grave at Branjevo, which suggests a range from 560 to 700 individuals.[63]

Undoubtedly, grave and serious crimes were committed by the members of the VRS at Branjevo, as well as at other mass execution sites. However, as examined above, the *scale* of the crimes *established* by the ICTY cannot be said to be true beyond reasonable doubt.

4. The Nature of the Crimes

This leads to another question, the nature of the crimes. Are the nature and background of the crimes, motives, and chain of command *established* by the ICTY true beyond reasonable doubt? If we examine the Branjevo case, shedding light on certain facts which the ICTY and the Court of BiH did not give attention to, completely different pictures emerge. The legal perspective on genocide is covered in the legal chapter of this Report, thus this chapter focuses on the chain of command, and the fact that the event took place when the unit was on leave.

62 Ibid,13759.

63 For more details see the chapter of this Report entitled "Srebrenica: Forensic Archaeology, Anthropology and Pathology," 52.

4.1. Chain of Command

Erdemović testified that on the morning of July 16, 1995, Lieutenant-Colonel Milorad Pelemiš, Commander of the 10th Sabotage Detachment, had ordered the Branjevo mission through Brano Gojković, a private from the Vlasenica Platoon of the Detachment, who Erdemović claimed, was the commander of the mass execution at Branjevo.[64] Franc Kos also testified that the order came from Pelemiš.[65]

However, Pelemiš denied this claim, testifying that he had been absent from his Detachment from July 12 to 22, 1995, due to injuries he had sustained in a car accident on July 12.[66] He also claimed that on July 12, on his way from Vlasenica hospital to Šekovići hospital, he had asked the driver to stop by the base to tell the Chief of Logistics, Dragan Todorović, that they were free to go on leave until July 17. Pelemiš also stated that he had asked Todorović to organize the funeral for Dragan Koljivrat, who had been killed in the car accident.[67] Pelemiš stated that he had stayed in the hospital in Šekovići until July 19, when he was picked up by his brother from Belgrade to have further medical treatment and returned to the base on July 22 .[68] Dragan Todorović[69] and Petar Salapura[70] confirmed before the Tribunal that Pelemiš was absent as well as the fact that half of the Detachment, including members who were at Branjevo, was on leave on July 16.

Dragan Todorović also testified before the Court of BiH in the Kos et al. case claiming that "Commander Pelemiš was not in the base compound on that occasion," which "the Panel finds to be untruthful, because all other presented pieces of evidence indicate that Pelemiš was present in the Dragaševac base from 13 July onwards."[71] The verdict also stated:

> On the other side, the witness Velimir Popović, who was in the hospital to donate blood at that time, does not remember that he saw Commander Pelemiš there, which additionally supports the Panel's conclusion that he was present in front of the Dragaševac base both days, that is, on 15 July as well, when he granted a furlough to the unit

64 See for example, *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 130703ED, 3 July 2013, 13756.

65 See for example, *Kos et al.*, Verdict, para. 326.

66 On July 12, 1995, around 1600 hours, on their way back from Srebrenica, when Pelemiš was driving a UN APC and was approaching the base in Dragaševac, the APC was grazed by a truck, pushed to the side, which resulted in the APC fall down into a ditch 30-40 meters below, killing Dragan Koljivrat and injuring Pelemiš and Filipović. Pelemiš and Filipović were taken to the hospital in Šekovići, since the hospital in Vlasenica was full. *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150326IT, 26 March 2015, 33793-33794.

67 Ibid. Erdemović and Todorović delivered the body of Koljivrat to his family in Trebinje, attended the funeral on July 14 and returned to the base in Dragaševac on the morning of July 15.

68 According to Pelemiš, he had to stop his medical examination and treatment to go back to the base due to the shooting among his unit members including Erdemović, which occurred on the night of July 22. *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150326IT, 26 March 2015, 33794.

69 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150511IT, 11 May 2015, 35385-35387. However, Todorović does not remember precisely whether it was July 21 or 22.

70 *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-T, Trial [transcript], 040608IT, 8 June 2004,10583.

71 *Kos et al.*, Verdict, para.326.

> members and selected some of them to be on duty, and also on 16 July when he issued an order for leaving for Branjevo.[72]

The verdict did not clarify whether the Panel had checked the hospital's record, rather than quoting a soldier who had been in the hospital to donate blood. The BiH Court also quoted witness Dražen Erdemović's testimony:

> In the morning hours of 13 July, Pelemiš was in the building in Dragaševac and I remember that he only had a small adhesive plaster strip on his head. He appeared to be healthy and was in full command over the unit. He even ordered that a captive "Mujo" whom they kept in the Sušica camp and used for some operations should be killed, but he emphasized that the killing should not be "loud".[73]

On the other hand, the Todorović's testimony, which the ICTY and the BiH Court did not find truthful, was vivid and detailed. Regarding the funeral of the soldier killed in the accident:

> THE WITNESS: [Interpretation] The funeral took place on the 14th.
>
> [Four lines omitted by the author of this chapter.]
>
> A. We stayed in Trebinje after the funeral on the 14th, in the afternoon. We stayed at his family, the Koljivrats.
>
> Q. Did you go back and if so when?
>
> A. Later. We stayed on for a while because that's some custom of theirs. We were supposed to drink some wine that the father had prepared for his son's wedding. Since he buried him on that day, then there was no point in keeping the wine so he wanted to open that wine and to thank us for having brought his son there and for the funeral.
>
> Q. When did you arrive in Dragasevac, the base there?
>
> A. Between 10.00 and 11.00.
>
> Q. Which date?
>
> A. The 15th.
>
> Q. What did you do when you arrived in base? You, what did you do?
>
> A. Well, I didn't need them for anything anymore, so I said at ease, and then I went to the office to see whether the commander was there.
>
> Q. And when you say "commander," which commander?
>
> A. Pelemis.
>
> Q. Did you find him in the office?
>
> A. No.
>
> Q. Did you see him on base that day?

72 Ibid, para. 328.
73 Ibid, para. 327.

> A. No. Had I seen him, I would have given some of the gifts that the Koljivrat family had sent him. [74]

There exists another contradictory testimony regarding the event of July 15, which is crucial for grasping the gist of the chain of command. According to Todorović,[75] Dragomir Pećanac, a security officer of the Main Staff [76] came to the base to find a group of soldiers who were to participate in a particular assignment, later to be found that it was the Branjevo mass execution. Todorović stated that Pećanac had a quarrel with Zoran Obrenović who refused to obey since it was not an order from their commander, Pelemiš. There was no written order either. Todorović testified that no one from the hierarchical structure of the 10th Sabotage Detachment had exercised command over this group or issued an assignment to these people on that day, namely on July 16, 1995. Meaning, neither Petar Salapura, nor General Mladić, nor himself were in command of these people during the Branjevo Farm executions.[77] This contradicts the testimonies of Erdemović and Kos. Kos stated the following before the BiH Court:

> In his further testimony, the Accused Franc Kos mentions a quarrel between Pećanac and a unit member, Zoran Obrenović, wherein witness Dragan Todorović claims that Zoran Obrenović refused to carry out some order of which Pećanac informed him on that occasion, saying that the Detachment members only act upon the orders of the Commander Pelemiš, while the Accused Kos claims that these two persons quarreled about some money (2 million marks) and 12 kg of gold, thereafter Zoran Obrenović and Pećanac, together with Luka Jokić, entered the Commander Pelemiš's office and afterwards informed those present that they should leave for Branjevo to guard the captives.[78]

From here, two stories or scenarios emerge. If one considers the testimonies of Erdemović and Kos as truthful, as the ICTY and the BiH Court did, the Branjevo mass execution was planned and ordered by General Ratko Mladić as part of a grand Joint Criminal Enterprises (JCE) to commit genocide against the Muslims of Srebrenica, executed by the members of the VRS with orders from the Main Staff. On the other hand, if one sees any truth in the testimonies of Pelemiš, Todorović and others, the backgrounds, motives, and mechanism of the crimes would be different, even though it did not change the fact that crimes happened and were committed by members of the 10th Sabotage Detachment. In the next section, several other points supporting the latter scenario will be elaborated.

74 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150511IT, 11 May 2015, 35385-35387.

75 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150511IT, 11 May 2015, 35387-35395.

76 For Todorović's understanding of his position, see Ibid, 35400-35401.

77 *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial [transcript], 150326IT, 26 March 2015, 33778, 33793-33794, 33797.

78 *Kos et al.*, Verdict, para. 324.

4.2. The Peculiar Nature of the 10th Sabotage Detachment

The 10th Sabotage Detachment was a special unit of the Main Staff, trained for sabotage activities.[79] Therefore, it is an unusual task for them, being involved in operations such as the mass execution at Branjevo. Furthermore, it was a multi-ethnic detachment, composed of recruits from Croatia, Slovenia, Bosnian Muslim communities, and Serbia, namely, Croats, Muslims, Slovenes, and later Serbs.[80] During the war, both Erdemović and Kos were members of all three parties to the conflict: that is, the Croatian Defense Council (HVO), the Army of the Republic of Bosnia and Herzegovina, and finally, the Army of Republika Srpska (VRS).[81] Unlike the other units of the VRS, members of the 10th Sabotage Detachment were paid when they completed each assignment.

After the war, many of them joined the White Legion, a pro-Mobutu unit of 200 Eastern European mercenaries in then-Zaire[82]. It is said that Mobutu requested military assistance from France and then chose to hire European mercenaries.[83]

4.3. Participation on a voluntary basis during their leave

The 10th Sabotage Detachment consisted of between 50 and 60 men in two separate platoons: one in Vlasenica and one in Bijeljina.[84] Among the 50-60 members, only eight voluntarily participated in the operation at Branjevo Farm while they were on leave. Those facts imply that the mass executions at Branjevo were conducted by individuals who were members of the 10th Sabotage Detachment, not by the 10th Sabotage Detachment as a whole. Why volunteers were recruited is to be discussed later.

79 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Trial Judgement, 10 June 2010, para. 127.

80 There are many testimonies regarding this issue. See, for example, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54, Trial [transcript], 030825ED, 25 August 2003, 25186.

81 *Kos et al.*, Verdict, paras.13, 215.

82 Scott Fitzsimmons, *Mercenaries in Asymmetric Conflicts* (Cambridge: Cambridge University Press, 2012), 231,234. For more information on the White Legion, see Khareen Pech, "The Hand of War: Mercenaries in the Former Zaire 1996-97," 117-154, Kevin A. O'Brien, "Private Military Companies and African Security 1990-98," 55, 73, Alex Vines, "Mercenaries, Human Rights and Legality," 181-182, in *Mercenaries – An African Dillemma*, eds. Abdel-Fatau Musah and 'Kayode Fayemi (London: Pluto Press, 2000). United Nations Commission on Human Rights, UN doc. E/CN.4/1998/31, January 27, 1998, 15-16. Sabelo Ndlovu-Gatsheni and Gwinyayi A Dzinesa, "'One man's volunteer is another man's mercenary?' Mapping the extent and impact of mercenarism on human security in Africa," in *Elimination of Mercenarism in Africa, A Need for A New Continental Approach*, ed. Sabelo Gumedze, *ISS Monograph Series*, no. 147(2008): 83-87, 95. Suzana Šašic, "Mladić's monster finally talks," *Bosna Report New Series*, no. 47-48 (September-November 2005). Regarding France's interests in the area, see, Johan Pottier, *Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twenties Century,* (New York: Cambridge University Press, 2002), 44-45.

83 Scott Fitzsimmons, *Mercenaries in Asymmetric Conflicts* (Cambridge: Cambridge University Press, 2012), 232,233.

84 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Trial Judgement, 10 June 2010, para.127.

4.4. Unusual Chain of Command

Beside the unusual fact that Brano Gojković, a private from the Vlasenica Platoon of the 10th Sabotage Detachment, was the commander at the Branjevo Farm, the chain of command was also unusual. The 10th Sabotage Detachment special unit of the Main Staff was directly subordinate to the Administration for Intelligence headed by Col. Petar Salapura, the Main Staff's Chief of Intelligence,[85] under whom Lieutenant-Colonel Milorad Pelemiš was Commander of the Detachment. While, neither Salapura nor Pelemiš were accused by the ICTY or the BiH Court,[86] Beara and Popović were sentenced to life in prison. The highest-ranking officer among those who were directly involved in the mass executions was Beara. He used his security organ chain of command, that is subordinated security officers from Drina Corps for executions.

According to the Trial Judgment in the Popović et al. case, the involvement of the 10th Sabotage Detachment provided particular proof of the involvement of the Main Staff in the mass executions:

> Assorted VRS units were mobilised to guard, transport and execute the Bosnian Muslim men, including members of the Bratunac Brigade, the Zvornik Brigade Battalions, the Zvornik Brigade Military Police and the 10th Sabotage Detachment, a unit of the VRS Main Staff. The involvement of so many different units shows the level of planning and coordination in place, and the involvement of the 10th Sabotage Detachment in particular shows that the VRS Main Staff was directly involved in the operation.[87] [Underlined by the author of this chapter.]

If the nexus between the VRS Main Staff and the deployment of the members of the 10th Sabotage Detachment at Branjevo was questioned, then what is the link between the Main Staff and the Branjevo case? This does not deny what happened; instead, it questions the history which the ICTY *established*. How about the crime in its entirety? Before scrutinizing the mechanism of the crimes, the structure and chain of command of the VRS will be reviewed.

85 Ibid. para.127.

86 The verdict in *Kos et al.* states: "Based on other presented evidence as well, the Panel found that the referenced operation was ordered by Dragomir Pećanac, Deputy to Colonel Petar Salapura, and confirmed by Pelemiš, Detachment Commander. According to witness Dražen Erdemović, Petar Salapura, Chief of Intelligence Centre of VRS GC [sic], was entirely responsible for sending members of the 10th Sabotage Detachment to perform tasks and missions, while his Deputy, Dragomir Pećanac, was responsible for the preparation of the operations in the Srebrenica region." *Kos et al.*, Verdict, para. 329.

87 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Trial Judgement, 10 June 2010, para. 1064.

4.5. The Structure and Chain of Command of the VRS

The crime was conducted by the VRS and the Ministry of the Interior (MUP), but not by all their members. The structures and their chains of command have been scrutinized in the ICTY proceedings.

The VRS consisted of six geographically-based Corps: the 1st Krajina Corps, the 2nd Krajina Corps, the East Bosnia Corps, the Sarajevo-Romanija Corps, the Herzegovina Corps, and the Drina Corps, to which Srebrenica belonged. Command and control over these Corps were exercised by the Main Staff, the highest operative body of the VRS and General Ratko Mladić was the Commander, under the direction of Radovan Karadžić, the Supreme Commander, and in cooperation with both the Ministry of Defense and the MUP.[88]

The Main Staff Command consisted of the Staff Sector, the Sector for Morale, Legal and Religious Affairs, the Sector for Intelligence and Security, the Sector for Logistics (Rear), and the Sector for Mobilization and Personnel Affairs.[89] The Sector for Intelligence and Security, headed by General Tolimir, the Assistant Commander for Intelligence and Security, was divided into two Administrations: the Administration for Intelligence and the Administration for Security. Col. Petar Salapura, the Chief of Intelligence, and Col. Ljubiša Beara, the Chief of Security, were both direct subordinates of Tolimir.[90]

In the corps and brigades, the security organ officers had two parallel chains of instructions: the regular command chain and the professional support chain, which does not supersede the regular command chain.[91] At the brigade level and lower levels, the security organs levels were directly subordinate to the Security Chiefs in the Corps, which are in turn directly subordinate to the Security Administration.[92] In the regular chain of command, the security organs report to the Commanders of the units they form a part of; for example, the security organ of the Drina Corps would report to the Drina Corps Commander and the security organ of the Zvornik Brigade would report to the Zvornik Brigade Commander.[93]

Those who were held responsible by the ICTY include:

- Radovan Karadžić, President of Republika Srpska and Supreme Commander
- Ratko Mladić, Colonel General, Commander of the VRS Main Staff
- Zdravko Tolimir, Assistant Commander for Intelligence and Security of the VRS

88 Ibid, paras. 102-104.
89 Ibid, para.105.
90 Ibid, para.119.
91 Ibid, para.121.
92 Ibid, para.122.
93 Ibid, para.123.

Main Staff

- Radislav Krstić, Chief of Staff/Deputy Commander of the Drina Corps; appointed Commander of the Drina Corps on July 13,1995
- Ljubiša Beara, Colonel and Chief of Security of the VRS Main Staff
- Vujadin Popović, Lieutenant-Colonel and the Chief of Security of the Drina Corps
- Drago Nikolić, Second Lieutenant who served as Chief of Security for the Zvornik Brigade
- Radivoje Miletić, Chief of Operations and Training Administration of the VRS Main Staff
- Vinko Pandurević, Lieutenant-Colonel and Commander of the Zvornik Brigade of the Drina Corps
- Momir Nikolić, Assistant Commander for Security and Intelligence of the Bratunac Brigade from July 1995
- Ljubomir Borovčanin, Deputy Commander of the MUP, Special Police Brigade; from July 10, 1995, Commander of a joint force of MUP units subordinate to the Drina Corps who participated in the Srebrenica operation
- Milan Gvero, Assistant Commander for Morale, Legal and Religious Affairs of the VRS Main Staff
- Vidoje Blagojević, Commander of the Bratunac Brigade of the Drina Corps
- Dragan Jokić, Chief of Engineering of the Zvornik Brigade of the Drina Corps
- Dražen Erdemović, Soldier in the 10th Sabotage Detachment of the VRS

See the attached Appendix 1 for those who were held responsible.

5. Questioning the Authenticity of the History Which the ICTY Established

5.1. Why Focus on the Tolimir Judgment

This section discusses the questioning of the authenticity of the history which the ICTY established, quoting the Tolimir Trial Judgment.[94] The author considers this approach relevant in three aspects. First, his close relationship to General Mladić. Zdravko Tolimir, an Assistant Commander and the Chief of the Sector for Intelligence and Security Affairs of the Main Staff of the VRS, was directly subordinate to the Commander of the VRS Main Staff, Mladić, and was one of Mladić's most trusted and closest associates. Mladić himself introduced Tolimir as his "right hand" man[95] and referred to him as part of "the inner core" that took the most important decisions during the war.[96] Accordingly, he is one of the five who were sentenced to life imprisonment in the Srebrenica-related trials, which included Karadžić, Mladić, Beara, and Popović.

Second, Tolimir was the immediate superior of the Chief of Security, Beara, and the Chief of Intelligence, Salapura, to whom the 10th Sabotage Detachment was subordinate. Tolimir was in a position to keep abreast of the actions of the Detachment.[97] Third, the life sentence was not unanimous. One of the three judges before the Trial Chamber, Prisca Matimba Nyambe of Zambia, stated in her 36-page dissenting opinion that she would have acquitted Tolimir of all eight counts including genocide.[98] Judge Nyambe stated:

> The evidence against the Accused on all counts charged is entirely circumstantial, based on presumptions, suppositions, and his professional association with those who committed the crimes that are the subject of this Indictment. There is no evidence linking him to the crimes perpetrated by his subordinates, nor does the evidence demonstrate that he knew that those crimes were being perpetrated. The Accused's connection to the crimes is entirely derived from the professional chain of command with those who did commit these crimes. [99]

94 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012.

95 Testimony of Rupert Smith as quoted in *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, paras.921, 1165.

96 Ibid, para.921.

97 Ibid para. 917.

98 Count 1: Genocide under Article 4(3)(a) of the Statute; Count 2: Conspiracy to Commit Genocide under Article 4(3)(b) of the Statute; Count 3: Extermination, a crime against humanity under Article 5(b) of the Statute; Count 4: Murder, a crime against humanity under Article 5(a) of the Statute; Count 5: Murder, a violation of the laws or customs of war under Article 3 of the Statute; Count 6: Persecutions, a crime against humanity under Article 5(h) of the Statute; Count 7: Inhumane Acts through Forcible Transfer, a crime against humanity under Article 5(i) of the Statute and Count 8 (Deportation).

99 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 4.

It is not unusual for the ICTY to have a dissenting or separate opinion, but it is unprecedented, especially for the Srebrenica related judgments, for there to be a dissenting opinion about acquitting someone of all charges. It means that the historical fact which the ICTY established is in fact challenged, not only by this Commission, but also by a respected judge of the Tribunal. The Trial Judgment states:

> The evidence demonstrates beyond reasonable doubt that the military chain of command and its necessary modes of communication were fully functioning within the VRS, especially at the level of the Main Staff, at the time of the detentions, murders, and reburials. The Majority finds that there is overwhelming of a highly organised murder operation developed and shared among and between numerous high-ranking VRS officers and implemented by countless members of the Bosnian Serb Forces. Without such sophisticated coordination and organisation, it would have been impossible for the Bosnian Serb Forces to murder, bury, and rebury thousands of Bosnian Muslim victims in such a short time and over such a large area.[100]

5.2. Questions on the JCE to Murder

While Judge Nyambe agrees with the Majority's findings that "a common plan to murder the able-bodied men from the Srebrenica enclave had materialized possibly by the morning of 12 July and necessarily evolved sometime between 12 and 13 July to include. . . . Bosnian Muslim men from the column", she says she cannot support "the Majority's finding on the scope of such a JCE, namely that it was shared among and between numerous high-ranking VRS officers and implemented by countless members of the Bosnian Serb Forces."[101] One proof is that Beara and Popović had a difficult time in finding soldiers to participate in the mass killings.

5.3. Extra-Military Endeavors to Recruit "Volunteers" for the Executions

Judge Nyambe pointed out the "unsanctioned, extra-military endeavors" of Popović to recruit volunteers to participate in the killings, since some members of the VRS, including the VRS leadership, refused Popović's request to supply men "for the execution of prisoners."[102] Judge Nyambe used the expression "unsanctioned, extra-military" because Popović was willing to accept a young man 17-18 years old as a volunteer to participate in the kill-

100 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, para. 1070.
101 Ibid. para. 64.
102 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 68. *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, paras. 461-464, 466, 496-500.

ings.[103]Popović even ordered the young man to find other volunteers.[104]

Just as Erdemović and seven others from the 10th Sabotage Detachment were recruited individually by Popović and Beara, through Pećanac, Popović requested to supply the men "for the execution of prisoners." If it is "a highly organised murder operation developed and shared among and between numerous high-ranking VRS officers and implemented by countless members of the Bosnian Serb Forces,"[105] they should not have had problems in finding soldiers, even though many units of the Drina Corps were concentrated at Žepa, VRS's next target, and only reserve units, including a few MUP units and Military Police, were available.

5.4. Lack of Involvement by the 65th Protection Regiment

The non-involvement of the 65th Protection Regiment offers another proof. The 65th Protection Regiment ("Protection Regiment"), a motorized regiment, was an elite unit of the VRS, which provided security to the Main Staff but was also used as a reserve force of the Main Staff, for intervention purposes.[106] Although this Regiment was directly subordinate to Mladić, they were not deployed to Branjevo or other execution sites. If it was "a highly organized murder operation" and they were having difficulty finding men for the execution of prisoners, why was the 65th Protection Regiment not involved?

5.5.Questions Regarding the Over-Arching Plan to Kill that Permeated the VRS Leadership and Very Existence of the List of War Criminals

Contrary to the Majority's finding of an over-arching plan to kill that permeated the VRS leadership, Judge Nyambe stated that "the Chamber heard evidence that members of the VRS—including the Accused—actively discussed POW exchanges on a number of occasions not only prior to the killings, but even in the days and weeks that followed."[107]

Judge Nyambe also expressed disagreement with the findings that "there was no real effort on the part of the Bosnian Serb Forces to identify or register the Bosnian Muslim prisoners, whether for exchange, or to identify suspected war criminals." She continued: "While the Majority acknowledged Mladić's proposal to screen civilians for war criminals during the third Hotel Fontana meeting, the Majority has failed to recognise that this is exactly what

103 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, 27, footnote 190. *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, 209, footnote 2051, para. 471.

104 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, 209, footnote 2051, para. 471.

105 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, 209, footnote 2051, para. 1070.

106 Ibid, para.131.

107 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 67. *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, paras. 338, 408, 414, 424.

happened when the separations began."[108] Even though the idea was disregarded in the early stages, the VRS tried to search for war criminals, on the basis of a list of July 12, 1995.[109]

5.6. Questions Regarding the Reliability of Witness Statements at the Time of the Plea Agreement, Inter Alia, Momir Nikolić[110] and Dražen Erdemović

In the Tolimir case, Judge Nyambe also stated that the Indictment against the Accused, Tolimir, was developed by Momir Nikolić, whose "plea of guilty was motivated by the above-stated goals of reduced penalties with the evidence from his plea agreement necessarily shifting blame to the co-accused or potential co-accused in other trials."[111] "His evidence was under the influence of continuing inducements. He was not free to give his testimony as failure to give evidence in this or other proceedings would have relegated him to the possibility of having the dismissed charges reinstated, and he could face further prosecution."[112]

This opinion should be given special attention in the light of the testimony of Momir Nikolić who played a decisive role for the ICTY in determining when the plan of execution was formed. In the Popović case, the Trial Chamber stated that although it cannot determine precisely when the plan to murder was formed, immediately prior to the third meeting held at the Hotel Fontana, around 10.00 a.m. on July 12, security personnel were already discussing the planned execution of the Muslim men from Potočari.[113] It states:

> Momir Nikolić, Chief of Security and Intelligence of the Bratunac Brigade, and his superior Popović, Chief of Security of the Drina Corps, met outside the Hotel where Popović informed Nikolić that the able-bodied men within the crowd of Bosnian Muslim civilians would be separated, temporarily detained in Bratunac, and killed shortly thereafter. Popović advised Momir Nikolić that he was to assist in this operation. Popović and Nikolić were joined by Kosorić, Assistant Chief of Staff for Intelligence in the Drina Corps, and they went on to discuss some of the logistics of the operation, in particular what locations could be used for the detention and killings.[114]

Immediately after this conversation between Popović, Kosorić and Momir Nikolić, there was a third meeting at the Hotel Fontana. At this meeting, for the first time,

108 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 60.

109 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 61. *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Trial Judgement, 12 December 2012, para. 1068.

110 Assistant Commander for Security and Intelligence of the Bratunac Brigade.

111 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 13.

112 Ibid, para. 11.

113 *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević*, Case No. IT-05-88-T, Trial Judgement, 10 June 2010, para. 1051-1053.

114 Ibid, para. 1051.

> Mladić announced that all the Bosnian Muslim men in Potočari would be separated to be screened for war crimes. He gave no details as to the logistics of this exercise.[115]

With these statements, the Trial Chamber concluded that the forecasted separation process in Potočari, which began later that day, marked the commencement of the implementation of the plan to murder the Muslim males from Srebrenica, although it admits that the person who testified, Momir Nikolić, provided false information and statement to the Prosecution during plea negotiations.[116]

It is crystal clear that Beara and his subordinate, Popović, were two key figures in the arrangement of the mass executions, as no direct proof was found so far regarding the relationship between them and their superiors. This is the reasonable explanation why Momir Nikolić and Dražen Erdemović were extraordinarily important witnesses in the ICTY Judgments. That is why Judge Nyambe, in the very beginning of her dissenting opinion, questioned those two witnesses.[117]

6. Mechanism of Mass Execution

In the previous section, the authenticity of the facts established by the ICTY was discussed. This section discusses the conspiracy of mass execution, whether the plan was forged by the Main Staff, and the purpose of mass execution.

6.1.The Conspiracy of Mass Execution - the Nexus Between Armed Conflicts and Mass Killings

It was the Dissenting Opinion of Judge Nyambe in the Trial Judgment in the Tolimir case that highlighted several crucial issues, including the nexus between armed conflicts and the Srebrenica massacre, referring to Directives 7 and 7/1.[118] It states:

> 2. Nature of the Conflict (a) Directive 7 and 7/1
>
> [Item 18 removed by the author of this chapter.]
>
> 19. While the Majority places reliance upon Directive 7 as guiding an intent to attack a civilian population, Directive 7 cannot be taken in a vacuum and must be read with a consideration of the historical context of the region, in particular, that the conflict

115 Ibid, para. 1052.

116 Ibid, paras. 48-53, 280-288. Thus, the Trial Chamber stated that it had adopted a very cautious and careful approach. However, having considered all the factors, the Chamber said that it was of the view that the evidence provided by him had probative value and merits consideration where relevant.

117 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, paras. 4-13.

118 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012. Notes were deleted from the direct quote.

> that had been ongoing in BiH from at least 1992. Thus, Directive 7's call for the "elimination of the enclaves" must be taken with consideration of the three-year struggle that had been ongoing amongst the three ethnicities of BiH. The Majority holds that provision for "elimination of the enclaves" is drawn from the overarching Strategic Objectives of the RS which, it found, set forth "a policy (…) aimed at ridding the eastern enclaves of its Bosnian Muslim populations". However, the Majority does not recall the Strategic Objectives that were formed at the same time as the VRS was formed; at a time "when it was obvious that the other two ethnic communities in [BiH] (the Muslims and the Croats) were forming their own armies". In this light, a plain reading of Directive 7 does not reveal illegal objectives pertaining to the civilian population of the Srebrenica and Žepa enclaves. Rather, it demonstrates a global plan relating to the entirety of the conflict that was occurring over the whole of the BiH in 1995 in the quest for territorial control. Further, there is no evidence that the Strategic Objectives were ever used to guide VRS objectives. Notably, VRS Chief of Staff Milovanović did not even know about the Strategic Objectives until 2004–2005 when he heard about them in testimony in the case of Prosecutor v. Slobodan Milošević.
>
> [Item 20 removed by the author of this chapter.]
>
> 21. Notably, Directive 7/1 did not contain the pertinent passage on which the Majority relies for finding a common purpose, namely to "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of both enclaves". Directive 7/1, which addressed at length actions to be taken in the eastern enclaves, could have re-issued the language of Directive 7 but it specifically did not. Thus, it can be seen that such a goal—of creating an unbearable situation for the inhabitants of the Srebrenica and Žepa enclaves—was abandoned just weeks after it was issued.[119] [Underlined by the author of this chapter.]

Although this dissenting opinion was not reflected in the Judgment in the Tolimir case, the opinion should have significant importance for those who are investigating the causes and mechanisms of the crime. The Dissenting Opinion of Judge Nyambe highlighted other crucial issues.

6.2. Whether the Plan was Forged by the Main Staff

According to the history established by the ICTY, the mass execution plan was developed by the leadership of the Main staff. If Slobodan Milošević were alive, it is highly likely that he would be convicted of genocide, since his indictment includes Srebrenica JCE.[120] However, in reality, another interpretation of the event is highly likely, which Judge Nyambe as well as the Commission noted. It was not Main staff but "criminally minded VRS soldiers,"[121] or "a clique of criminally minded VRS soldiers,"[122] who planned and organized the executions.

119 Ibid, paras. 19, 21. Notes were deleted from the direct quote.

120 *Prosecutor v. Slobodan Milosevic*, Case No. IT-02-54-T, Amended Indictment "Bosnia and Herzegovina," 22 November 2002.

121 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Dissenting and Separate Concurring Opinions of Judge Prisca Matimba Nyambe, 12 December 2012, para. 63.

122 Ibid, para. 66.

6.3. Different Purposes and Motives for Sporadic, Opportunistic, and Large-Scale Killings/Mass Executions

To investigate the purposes and motives of mass execution, one needs to differentiate those of sporadic, opportunistic, and large-scale killings. The Srebrenica-related judgments did not distinguish the sporadic/opportunistic killings from mass executions in the seven sites. This attitude toward the crimes sufficed for judging the criminal responsibility of the accused; however, it is not enough if one tries to investigate the background and formation of the crime plan. Even among the seven mass execution sites, situations differed at the Kravica warehouse.

Using the previously mentioned table, Appendix 1, in which numbers tabulated on the basis of the Mladić Trial Judgment are presented, the author defines the following:

a) Sporadic/opportunistic sites:

   Near the UN compound in Potočari on July 12, 1995; near the White House in Potočari on July 13, 1995; detained in and around Vuk Karadžić school on July 12-14,1995; a bus parked in front of the Vuk Karadžić school on July 13, 1995; Jadar River on July 13, 1995; Sandići meadow on July 13, 1995; outside the Kravica supermarket on July 13-14, 1995; Luka school near Tišća on July 14, 1995; Grbavci school in Orahovac on July 14, 1995; Petkovići school on July 14, 1995; Roćević school on July 14-15, 1995; Kula school on July 14-15 1995; captured Muslim men on July 18, 1995; Bišina on July 23, 1995; Trnovo in July-August 1995; detainees of the Zvornik Brigade barracks on July 23, 1995.

b) Large-scale opportunistic killing sites:

   Kravica Warehouse, July 13-14, 1995.

c) Organized mass execution sites:

   Cerska Valley on July 17, 1995; two meadows in Orahovac on July 14, 1995; Petkovići Dam on July 14-15, 1995; Kozluk on July 15, 1995; Branjevo Military Farm on July 16, 1995; Pilica Cultural Center on July 16, 1995.

6.3.1. Motives in Connection with Sporadic/Opportunistic Sites – Revenge

As for the motives for the executions, emotional factors such as revenge, anger, and frustration were pointed out.[123] According to the NIOD, revenge for the murder of Serb civilians in and around the enclave in 1992 and 1993 is frequently cited as a motive for the executions, both in the Muslim-Croat Federation and in Republika Srpska.[124] Although the

123 NIOD [Nederlands Instituut voor Oorlogsdocumentatie] Report, 1959.
124 Ibid, 1959-1960.

partial expression of the truth is observed here (when the victims are Serb civilians, the expression "murder" was used while in the case of others, the expression "executions" was used), emotional factors are also noted in Judge Nyambe's dissenting opinion.

In the first place, the NIOD indicated "the motive may have been to 'ethnically cleanse' Serbian territory," but it continues that "we may confidently state that revenge was also a contributory factor: revenge for the events of a dim and distant past, but also for the events of 1992 and 1993, and for the violent excursions from the enclave made by the ARBiH in 1995 in particular."[125]

The author considers the motives of revenge fitting the category of a) sporadic/opportunistic sites. The events of 1992 and 1993 where Serbian civilians were massacred are discussed in the end of this chapter. The fact that the enclave was not demilitarized and violent excursions from the enclave were made by the ARBiH in 1995 is scrutinized in the other chapters of this report.

6.3.2. Large-Scale Opportunistic Killing Sites

There are seven mass execution sites. However, the situations differed. At the Kravica warehouse, where the mass execution took place in the late afternoon of July 13, one of the prisoners grabbed the rifle of a guard and used it to kill him. In response, 12 other guards opened fire on other prisoners and killed them, although their killing developed to full-scale execution in the warehouse, not limited to prisoners in the immediate vicinity.

As the Srebrenica-related judgments of the ICTY did not distinguish the sporadic/opportunistic killings from mass executions at the seven sites, it also did not distinguish the Kravica execution from the six other mass executions. However, obviously the process and mechanism were different and should be categorized as large-scale but opportunistic killing sites.

6.3.3. Organized Mass Execution

For the remaining six sites, the motives and purposes of those who executed the crimes and who planned and ordered should be differentiated between. The motives of the former also differed from person to person or unit to unit. As shown above, the motives of the eight volunteers from the 10th Sabotage Detachment were monetary, while one of them allegedly committed crimes based upon personal revenge for his killed brother. Others simply obeyed the orders from above, while some acted upon revenge.

As the attached table, Appendix 1, shows, corps and brigades who committed crimes are known today. However, the very reason or motives for committing the grave crimes have not been determined.

125 Ibid, 1987.

6.4. The Purposes and Motives of Those Who Planned the Mass Execution

The ICTY concluded in a series of Srebrenica related trials that a JCE to murder existed based upon Directive 7. However, if one scrutinizes the proofs which the ICTY did not consider or deny, it is highly likely that it was not the Main Staff but "criminally minded VRS soldiers" or "a clique of criminally minded VRS soldiers" who committed the crimes. On the other hand, Beara and Popović were physically seen at many execution sites, and the way the executions, as well as burials and reburials, were organized and conducted showed that it could not have been implemented without the involvement of some members of the Main Staff.

This chapter, as well as the Commission, were not able to reach the very core of the subject thus far; however, there is one interview which goes to the heart of the matter. It is NIOD's interview with Milenko Živanović, dated September 17, 2001. Milenko Živanović was appointed the first Commander of the Drina Corps when it was formed on November 1, 1992 and served as the Drina Corps Commander until about 2000 hours on July 13, 1995 when he was replaced by General Krstić.[126] The interview states:

> Interviewed by the NIOD, Zivanovic did not deny that a mass murder had taken place, nor that it was an action organized by the VRS. He cited revenge as a motive. Another explanation which Zivanovic offered for the mass murder was that it was a deliberate action on the part of only a few officers on the field who were supporters of General Manojlo Milovanovic, formerly the VRS Chief of General Staff. These officers, claimed Zivanovic, carried out the executions without the prior knowledge of Mladic, the aim being to discredit Mladic himself. Colonel Beara, the security officer of the General Staff, was named as the prime mover. Zivanovic sought to absolve Mladic from any blame for the killings, and placed responsibility squarely at the feet of Krstic.[127]

The NIOD report continues:

> However, this version of events does not stand up to close scrutiny since Mladic was seen in person at a number of the execution sites. Had he been against the killings, he was certainly in a position to prevent them. The statement made by Zivanovic, an interested party, must be viewed with suspicion.[128]

However, this argument of the NIOD contradicts the facts. As his Trial reveals, Mladić was not present at any of the execution sites. From July 11 to 12, Mladić attended the three meetings with civilian representatives and UNPROFOR held at the Hotel Fontana in Bra-

126 *Prosecutor v. Ljubomir Borovcanin*, Case No. IT-02-64, Annex A. Military Structure of the Army of the Republika Srpska ("VRS"), 6 September 2002, https://www.icty.org/x/cases/borovcanin/ind/en/bor-annexA020906.htm

127 NIOD Report, 1962.

128 Ibid.

tunac[129]. In the afternoon of July 13, on his way to the VRS HQ in Han Pijesak, Mladić stopped in Sandići and Nova Kasaba to meet with war prisoners and gave the infamous speeches. From July 14 to 17, he was in Belgrade attending meetings with the international community.[130]

In the Krstić Trial Judgment, it was admitted that the decision to execute Muslim men is unfathomable in military terms, referring to the testimony of Richard Butler, the ICTY Prosecution's military expert:

> …it is hard to envision a better bargaining chip in dealing with the political authorities of certainly the BiH government and of the International Community than having 10,000 to 15000 Muslim men in the middle of Potočari in a legitimate prisoner of war facility under the control or under the supervision of certainly the UN troops that were there and the ICRC at a point in time. That is the ultimate bargaining chip, to be able to get significant political leverage from people, one would think, and this chip was thrown away for another reason.[131]

It is true that executing thousands of POWs, not 7,000-8,000, is an unfathomable mystery, not only in military terms, but also in political terms. Even if Mladić was full of hatred and anger against Muslim war criminals, he would have known of the repercussions and consequences of the massacres. General Mladić was too patriotic, both towards Republika Srpska and the Serbian community, to lose his temper and order the massacres, which would undoubtedly damage his country and people. Mladić used the word "Turks" and other dirty words; however, making insulting or contemptuous remarks toward Muslim soldiers as well as civilians and massacring and slaughtering them are completely different phenomena.

Historian Dan Stone, once aptly put it, quoting Alan Confino: "One historian notes that we may, paradoxically, have 'Nazified the Nazis': that is, historians run the risk of taking the Nazis at their word too literally in seeing race at the heart of everything to do with the Third Reich, making the regime appear far more coherent than was actually the case."[132] This is exactly what was pointed out by Judge Nyambe regarding Directive 7. Did the Chambers of the ICTY take the words of Mladić and other members of the VRS too literally without considering their cultural background?

As the ICTY's leaflet says, if its major achievements include "individualizing guilt," the fact that certain crimes were committed by individuals, not the entire unit or the VRS as a whole, should have been focused on.

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129 First meeting: July 11, 20:30-21:15. Second meeting: July 11, 23:30 – July 12, 01:00. Third meeting: July 12, 10:30-12:00.

130 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, paras. 373(July 14), 375 (July 15).

131 *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-T, Trial Judgement, 2 August 2001, para. 70.

132 Dan Stone, *Histories of the Holocaust* (London: Oxford University Press, 2010), 3.

Again, the facts and details of the mass executions do not matter for the Tribunal, when it comes to judging criminal responsibility, but they should be examined carefully to investigate the background of the crimes for future generations, on both sides. Many questions remain as to who ordered the mass executions, for what purpose, who paid money to the 10th Sabotage Detachment, and for what purpose.

This chapter was not able to determine the mechanism of the crimes. The research on Srebrenica should continue, just as Holocaust studies do. In fact, since the end of the Cold War, the historiography of the Holocaust has grown exponentially, as archives in the former communist countries have become accessible and lines of inquiry have developed that have opened up new ways of understanding the unfolding nature of the genocide of the Jews.[133] The library at Yad Vashem in Jerusalem receives some 4,000 books on the Holocaust per year, in every European language, as well as other foreign languages.[134] Similarly, the Srebrenica case should be more carefully investigated.

At the end of the chapter, the possible reasons for mass execution will be analyzed.

7. Possible Reasons for Mass Execution: Revenge Against Another Srebrenica from 1992-1993

A historical record which the ICTY did not *establish* is the history of another Srebrenica, the one between 1992 and 1993. If one of the purposes of the ICTY was to "bring justice to victims", another Srebrenica should have been scrutinized. If this chapter tries to follow the OTP's stance and not use documents from any of the parties to the conflict as a source in order to ensure complete neutrality, it will be impossible to investigate the Srebrenica case 1992-1993, since reliable documents from a third party are very limited.

There is a UN document entitled "Letter dated 24 May 1993 from the Charge d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General,"[135] containing comprehensive surveys as well as important statements from victims and witnesses. However, this is not an official UN document adopted by the UN.

Appendix IV of the NIOD Srebrenica report entitled "History and Reminders in East Bosnia"[136] covers the comprehensive history and background to the 1995 Srebrenica. The author, Ger Duijzings, recorded acts of Naser Orić and the Muslim militia organized and trained by him as well as "ethnic cleansing by Serbs." However, the chapter was criticized

133 Stone, *Histories*, 1.

134 Ibid, 6.

135 United Nations General Assembly. *Letter dated 24 May 1993 from the Charge d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General*. UN Doc. A/48/177 S/25835, June 2, 1993.]

136 Ger Duijzings, "Appendix IV: History and Reminders in East Bosnia," in *Srebrenica: A 'Safe' Area*, Nederlands Instituut voor Oorlogsdocumentatie, 2003.

strongly on the grounds that it uncritically "endorses a figure supplied by local sources of a thousand Serb deaths in the Srebrenica region between 1992-1994, despite the fact that none of these sources were considered reliable by the aforementioned international organizations [ICRC, ICTY, and ICMP]".[137] The criticism goes both to the number of victims and the division between combatants and civilians. The criticized paragraphs are as follows:

> On the Serb side, the numerous Muslim attacks became a source of deep humiliation and indignation. The Serbs viewed these attacks as yet another confirmation of their lot as a nation of continual "suffering", a nation threatened with genocide and extinction. Although this view took absolutely no account of the immeasurable suffering the Serbs themselves had inflicted on the Muslim population when the war first began, it was somehow understandable. After nine months of Muslim attacks, the Serbs were completely pushed back in a corner. Only around ten Serb villages in the area of Srebrenica and Bratunac had remained in Serb hands. Another thirty Serb villages and seventy hamlets had fallen under Muslim control. By January 1993, over one hundred Serb settlements had been attacked. Only Bratunac, Skelani, and a few villages along the Drina were still in Serb hands[679]. In addition, Serbs had suffered enormous material damage. Ivanisevic estimates that 5,400 out of a rough total of 8,000 Serb households in the municipalities of Srebrenica and Bratunac lost part or all of their property. Most of their houses were plundered, burned, and destroyed. Huge numbers of livestock (cows, goats, and poultry) were also taken away[680]. Bratunac and Milici accommodated thousands of refugees from Srebrenica as well as from central Bosnia (particularly Zenica). They destroyed the surrounding Serb villages. Living conditions for these refugees were usually bad, and they received little help from humanitarian relief organisations. Most had to solve their own housing problems. Many Serb refugees, including those from Srebrenica, were not very satisfied with their reception in Bratunac[681]. For that reason, some who had friends or relatives in Serbia decided to go there and join them. In early 1993, thirteen thousand Serbs from the municipalities of Srebrenica, Bratunac, Skelani and Milici were registered as refugees in Serbia, mainly women and children (comprising 45% of the total Serb population of these municipalities).[682]
>
> Most bitterness, however, was caused by the high number of casualties that the Serbs suffered during the first year of the war. According to Ivanisevic, who has documented all cases, at least one thousand Serb civilians were killed between April 1992 and January 1994[683]. By far, the largest number of casualties fell between the onset of the war and the creation of the Safe Area.[138]

Duijzings cited Ivanišević's *Hronika našeg groblja* (A Chronicle of Our Cemetary) as one of his sources, a work which was not considered reliable by Delpla. It is a critical issue that no reliable data or documents are available from the international third parties that are considered objective and reliable. The UNSG Srebrenica report, which is one of the most important and authentic documents on Srebrenica in the international community, states:

137 Isabelle Delpla, "Facts, Responsibility, Intelligibility, comparing the Srebrenica investigations and Reports," in Delpla, Bougarel and Formel, *Investigating Srebrenica*, 150.

138 Duijzings, "Appendix IV," 33-134. The sources specified in footnotes in this quote are as follows: 679 Ivanisevic, *Hronika*, pp. 40-42. , 680 Ivanisevic, *Hronika*, pp. 106. , 681 Conversation Stevo Milivojevic, 11/11/1998. , 682 Ivanisevic, *Hronika*, pp. 109-111. ,683 Ivanisevic, *Hronika*, p. 67.

> 35. The Bosniac enclave which centred on Srebrenica was then expanded under Orić's leadership over a period of several months into the surrounding areas. For the most part, the fighting that took place during this period was not regular warfare, but rather a series of raids and counter-raids by armed groups of one or the other community. As the Bosniacs advanced, they used techniques of ethnic cleansing similar to those used by the Serbs in other areas, burning houses and terrorizing the civilian population. Serb sources claim that over 1,300 people were killed by Bosniac fighters as they expanded out of Srebrenica, with much larger numbers being displaced from their homes. Serb sources and international human rights observers have reported incidents in which Serbs were apparently tortured and mutilated.[2] At the same time, much larger numbers of Bosniacs were suffering similar fates in areas which remained under Serb control. [139]

The source of the note 2 in the above quote is Jan Willem Honig and Norbert Both's book *Srebrenica: Record of a War Crime*, page 79. Honig and Both did not clarify their source, however, it is stated on that page of their book:

> The Serbs put a lot of effort into collecting evidence of war crimes committed by Muslims in such villages as Brežani, Zalazje, Ratkovići, Fakovići and Glogova. Evidence indicated that Serbs had been tortured and mutilated and others were burned alive when their houses were torched. Over 1,300 people were reputedly killed during this period.[140]

More criticism is directed towards the distinction of the status of the dead. Delpla noted Duijzings' remarks on its data, "supplied by the Serb authorities," saying that to a certain extent it was "misleading to the degree that it presented civilians and soldiers alike – including the soldiers and paramilitaries killed in action – as victims of 'Muslim terror' without distinction.[141] Duijzings' remarks in the note states:

> Ivanisevic, Hronika,p.67. In an earlier draft of the text published in the local newspaper, Nasa Riječ, Ivanisevic mentions 1,200 Serb victims (Ivanisevic, 'Genocid kao sudbina'). Ivanisevic's information is probably misleading, as he appears to include not only civilians, but also soldiers and paramilitaries who died in combat or during plundering expeditions. He includes, for instance, the names of four Serbs killed in Potočari on 20 April 1992. In all probability, these four were members of the Arkan Tigers or policemen who were ambushed there by Oric (Ivanisevic, Hronika, p. 71). Ivanisevic's work has been widely publicised in the Serbian and Bosnian Serb press, e.g. in Borba (from 26/05/1993 to 04/06/1993) and Večernje Novosti (from 13/06/1994 to 26/06/1994). The articles he published in Nasa Riječ (between July and December 1993) contain the lists of names of victims and perpetrators for every

139 United Nations General Assembly, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, UN doc. A/54/549, November 15, 1999, para. 35

140 Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London: Penguin Books, 1996), 79.

141 Delpla, Bougarel and Formel, *Investigating Srebrenica*, 167.

Serb village attacked by Muslims. See also the interview in Nasa Riječ in April 1993 (Jovanovic, 'Genocid').[142]

What shall we learn from these criticisms? The author considers that uncertainty or doubt regarding the total number of the dead does not deny or affect the fact that the crime did happen, and the victims and families of Serb Srebrenica have also been suffering. In addition, one should recall that the distinction between combatants and non-combatants, active members and reserves or civilians and soldiers did not matter for the international community as well as some scholars when it came to the *victims* of the Srebrenica massacre in 1995. If the international community criticizes the Serbs for not having objective data on the victims provided by international institutions, this is not the fault of the Serbian community. In fact, the ICTY Office of the Prosecutor once tried to compile the criminal record of a Muslim commanders, but this attempt was futile.

According to *The Bosnian Book of the Dead,*[143] in the Podrinje region, from 1991 to 1995, 28,135 persons were killed, of whom 22,472 were Muslims and 5,571 Serbs. In the 1991-1995 period, 1992 was the year with the highest number of casualties for both Muslims and Serbs, totaling 13,617 persons, followed by 9,687 persons in 1995. While this book states that the number of Serbs killed in 1992 in Podrinje was 2,829, the Government of Republika Srpska reported that over 2,500 persons were killed in 1992. It claimed that the specified book diminished Serb victims by more than 14% in Bosnia and Herzegovina, by more than 33% in the Sarajevo region, and by more than 39% for victims under the age of 18.[144] The Republika Srpska database stated that it based these figures on official documents and personal dossiers for each victim, thus chances that there are mistakes are very low.

Detailed descriptions of the incidents and crimes are elaborated in more detail in the Chronology of Events written by Professor Gideon Greif, President of the Commission.

8. For Peacebuilding and Prescriptions for Preventing Atrocities in the Future

The numbers of those who were missing after the fall of Srebrenica were often combined and denoted as "victims". However, it is a well-known, or recorded, fact that they

142 Duijzings, "Appendix IV," 134, footnote 683.

143 Mirsad Tokača, "7.1.7.2 The Drina River Valley/Podrinje," in *Bosanska knjiga mrtvih: Ljudski gubici u Bosni i Hercegovini 1991-1995/Bosnian Book of the Dead: Human Losses in Bosnia and Herzegovina 1991-1995* (Sarajevo: Istraživačko dokumentacioni centar Sarajevo, 2012), 168-175.

144 Data taken from Republički centar za istraživanje rata, ratnih zločina i traženje nestalih lica, *Popis žrtava odbrambeno otadžbinskog rata: Rezultati istraživanja*, January 2020, https://www.rcirz.org/wp-content/uploads/2020/01/popis-zrtava.pdf

Author's note: these are the primary figures and there could be minor changes to them.

varied in terms of military status, cause of death, and where their remains were located. Although the numbers of, or the ratio between, those who were killed in combat or military action and those who were victims of criminal acts cannot be precisely determined, the existence of the former as well as the latter is a historical fact, one that was even admitted by the ICTY. Taking this into consideration, and given the fact that the total number of the missing has been established, the number of the victims of mass execution cannot be 7,000 - 8,000. It is more than understandable that family members of the missing would call all those dead the "victims" killed by the VRS. However, the distinction should be made for the sake of future generations.

Defining who are the victims is key to many crucial issues in understanding what happened after the fall of Srebrenica. Those who should be held accountable differ depending on the definition of the victims. If one calls all those killed, including persons killed in combat, legitimate military action and those who died from other causes, victims, responsibility and blame cannot be limited to the VRS alone. This argument also affects the prescription for preventing crimes under the jurisdiction of the ICTY. A well-known prescription for "humanitarian intervention" is to stop monsters and evils. That is what the international community has strived for during the last two decades. However, if you call all killed persons "victims of the Srebrenica genocide", the prescription for preventing those casualties in the future is preventing wars and armed conflicts. This is so because one cannot neglect the nexus between the crime and the armed conflict in general and, specifically, in Srebrenica, the fighting aimed at stopping the breakthrough of the column.

Appendix I

Killing sites and the number of killed in the Mladić Trial Judgement (pp.1601-1606) tabulated by the author

Schedule E and other incidents	Place	Date	Number of killed	Perpetrators
E.1.1	On the bank of the Jadar river	July 13, 1995	15	Members of the police or the VRS military police
E.2.1	In the Cerska Valley	July 17, 1995	150	'Chetniks' and members of the Special Police Detachment and Special Police Unit of the MUP
E.3.1	Kravica Warehouse	July 13-14, 1995	1,000	Members of the 2nd Šehovići Detachment of the Special Police Brigade, and the Bratunac Brigade
E.4.1	Surrendered from the column near Sandići Meadow	July 13, 1995	10 - 15	The 1st company of the Jahorina police training centre and a soldier
E.5.1	Luke School near Tišća	July 14, 1995	21	Members of the VRS
E.6.1	Grbavci School in Orahovac	July 14, 1995	2	Members of the Zvornik Brigade
E.6.2	Two meadows in Orahovac	July 14, 1995	819	Members of the Zvornik Brigade
E.7.1	Petković school	July 14, 1995	20	Members of the VRS
E.7.2	Petković Dam	July 14-15, 1995	401	Members of the 6th Infantry Battalion of the Zvornik Brigade
E.8.1	Roćević school	July 14-15, 1995	12	Members of the Zvornik Brigade
E.8.2	Kozluk	July 15, 1995	575	Members of the Zvornik and Bratunac Brigade
E.9.1	Kula school near Pilica	July 14-15, 1995	8	VRS Zvornik Brigade's 1st Battalion
E.9.2	Branjevo Military Farm	July 16, 1995	1,000–2,000	VRS soldiers including members of the 10th Sabotage Detachment and a group of soldiers from Bratunac
E.10.1	Pilica Cultural center	July 16, 1995	500	VRS members
E.12.1	Bišina	July 23, 1995	39	Members of the VRS 10th Sabotage Detachment
E.13.1	Trnovo	July - August, 1995	6	Members of the Skorpions Unit
E.14.1	Near the UN compound in Potočari	July 12, 1995	9	Members of the VRS

E.14.2	Near the White House in Potočari	July 13, 1995	1	VRS members
E.15.1	Detained in & around Vuk Karadžić elementary school in Bratunac	July 12-14, 1995	50	Members of the VRS Bratunac Brigade Military Police Platoon, members of the special police, members of the Bosnian-Serb MUP civilian police, members of the Drina Wolves, and paramilitary formation
E.15.3	Taken off a bus parked in front of Vuk Karadžić school in Bratunac	July 13, 1995	1	VRS military policemen
Unscheduled	Outside the Kravica supermarket	July 13-14, 1995	15	VRS soldiers
Unscheduled	Captured bosnian muslim men	July 18, 1995	4	VRS soldiers
Unscheduled	Injured detainees of the Zvornik Brigade barraks	July 23, 1995	10	VRS soldiers
	Murder TOTAL		4,668-4,873	

Source: "8.3 Murder." In *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Trial Judgement (Volume III of V), 22 November 2017, 1601-1606.

Acronym List

Acronym	Definition
APC	armored personnel carrier
ARBiH	Army of the Republic of Bosnia and Herzegovina (Armija Republike Bosne i Hercegovine)
BiH	Bosnia and Herzegovina (Bosna i Hercegovina)
BSA	Bosnian Serb Army
DNA	deoxyribonucleic acid
HQ	headquarters
HVO	Croatian Defense Council
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IRMCT	International Residual Mechanism for Criminal Tribunals
ISS	Institute for Security Studies
JCE	Joint Criminal Enterprises
MUP	Ministry of the Interior
NGO	non-governmental organization
NIOD	Netherlands Institute for War Documentation (Nederlands instituut voor oorlogsdocumentatie)
OSCE	Organization for Security and Co-operation in Europe
OTP	Office of the Prosecutor
PHR	Physicians for Human Rights
POW	prisoner of war
RS	Republika Srpska
UN	United Nations

UNPROFOR	United Nations Protection Force
UNSG	United Nations Secretary-General
VRS	Republika Srpska Army (Vojska Republike Srpske)

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CHAPTER VIII

Steven E. Meyer

The International Criminal Tribunal for the Former Yugoslavia: *Was It an Instrument of Justice?*

1. Introduction

During the Wars of Yugoslav Succession in the 1990s all side perpetrated levels of violence that have been identified as criminal acts when weighed against long standing international law and standards of morality. In that sense, these wars were no different than many—perhaps most—previous wars. That historical fact does not excuse illegal and immoral acts by any party during the Yugoslav Wars any more than it excuses such acts by any other belligerent through history. But, pondering the question of the application of international law does raise a series of difficult questions that we will attempt to address in this paper.

The ferocity of the wars, coupled with the hubris of major Western powers, pushed the *United Nations Security Council (UNSC)* to establish the *International Criminal Tribunal for the Former Yugoslavia (ICTY*) in May 1993 by way of UNSC Resolution 827. The intent was to "try those responsible for violations of international humanitarian law in the territory of the former Yugoslavia since 1991. The purpose of the tribunal (was) to bring justice to the victims of the conflict and deter future leaders from committing similar atrocities. The ICTY…also (took) on cases from the Kosovo crisis dating from late 1990."[1] According to UNSC Resolution 827, the ICTY was given jurisdiction over four areas: (1) grave breaches of the Geneva Conventions; (2) violations of the laws and customs of war; (3) genocide; and, (4) crimes against humanity.

The ICTY was terminated as of 31 December 2017. However, the work of the ICTY[2] continued with the establishment of the *Mechanism for International Residual Criminal*

1 United Nations Residual International Mechanism for Criminal Tribunals. For more information, visit the official website of the International Criminal Tribunal for the former Yugoslavia: https://www.icty.org

2 This was the case with the work of the International Criminal Tribunal for Rwanda as well. For more information, visit the official website of the International Residual Mechanism for Criminal Tribunals: https:www.irmct.org

Tribunal (MIRCT) under the auspices of UNSC Resolution 1966 in 2010. As the name indicates, the MIRCT was established to complete any work left undone by the ICTY, as well as to try any new cases that arise from the Balkan wars of the 1990s.

2. Foundations

The foundations for the ICTY rest primarily in the longstanding efforts by Western states to establish and codify a system of International Law. The system of Western International Law that emerged over many centuries originated with efforts to establish a doctrine of just war. Ideas and proposals discussing justifications to wage war can be found throughout time and place--in Ancient Egypt, Confucian China, Ancient Israel, Ancient Greece and Rome, in Hindu India (the Mahabharata) and other places. The Western version of just war doctrine is found in Western religious history, especially in much of St. Augustine's writing, and it was the Western versions of just war doctrine that came theoretically to dominate the international system primarily because of the political, economic and military dominance of the West. Europe and the U.S. (Japan had a somewhat lesser role after the mid-19th century) had the tools and wherewithal to dominate the globe through colonization and empire during the centuries that just war doctrine was being established.

The Western model of just war and ultimately international law was designed by states for states. Western states designed the emerging system of international law to attempt to bring some order to the competing global interests of powerful states. Although the foci of international law encompassed several topics, the most important was war and the conduct of war and to a lesser extent trade and economic issues. Although international law mechanisms have been established through the centuries, the bulk of the ones that dominate the international legal system today were instituted from the mid-19th century until today. The end of the 19th and beginning of the 20th centuries saw several conventions designed to curb weapons and warships. Ultimately, they all failed. The First and Second World Wars brought additional efforts to curb weapons, establish international peace organizations and even attempts to outlaw war. The League of Nations and the attendant Permanent Court of International Justice died in the Second World War, while the United Nations and the International Court of Justice, established in 1945, continue to this day. Efforts since the end of World War II have been mixed. The European Union (EU), established in an attempt to end the centuries of warfare in Europe, is being gradually undermined by a re-nationalization of European politics. Treaties to curb atomic and nuclear weapons had generally been successful until recently as we now are well into the "second" and arguably even more dangerous nuclear age. Two of the more interesting cases have been the effort have been the successful effort to ban anti-personnel land mines with the adoption in 1997 of the Ottawa Treaty and establishment

of the International Criminal Court with the adoption of the Rome Statute in 1998. Both of these efforts represent a change in how most international legal agreements originate and are formulated. As such they both speak to a more globalizing post-modern world. The anti-land mine campaign was organized and taken to fruition by ordinary citizens around the world via emails, texts and phone calls. Although the effort to establish the Criminal Court effort was the product of state initiative, the effort was supported by a large number of non-state actors and individuals and is authorized to act if and when a state is unwilling or incapable of pursuing a criminal action the falls with the jurisdiction of the court. The U.S. has refused to ratify either of these treaties, believing they are infringements on American sovereignty. Even though American politicians in effect put the U.S. above the law, the Ottawa Treaty and the Criminal Court are likely to be models for an increasing number of international legal mechanisms like them.

3. Refinements, Additions, Exceptions and Deviations

International law began with the effort, mostly by religious leaders, to establish rules to ensure that states engage in warfare that is both justified and justifiable.[3] From that starting point international law has blossomed into an enormous, complex field of rules, regulations, statutes and institutions. But it also suffers from two major impediments that will play heavily into the establishment and work of the ICTY. First, the international system is chaotic—that is, there is no overall compelling international organization that can enforce the decisions by international courts in most circumstances. Second, major powers can enforce decisions in some circumstances through the use of military power, but that also means there is normally no superior power to compel the world's strongest countries to adhere to decisions in international law. Consequently, administration of the norms of international law often is inherently biased. The application of international law can bring to mind the lesson presented by Thucydides in the Melian Dialogue: "the strong do what they can and the weak suffer what they must."[4] Of course, this does not mean that accusations of war crimes are always—or even often—bogus and without substance. In many cases war crimes have been committed. But it does mean that some accusations of war crimes have been brought in unfair ways, without concrete evidence, in the spirit of spite and vengeance and for spurious reasons. Or, perhaps most likely, no charges of war crimes have been brought in cases where they should have been brought because the country under suspicion are too large and too powerful.

In understanding the administration of international law in the contemporary environment, including its application to strong and weak states alike, it is necessary to consider six issues. Each one of these issues also frames the role of the ICTY and its successor.

3 Established one of two Christian traditions; the other being pacifism.
4 Thucydides, "Melian Dialogue," in *History of the Peloponnesian War*.

First, the history of *Arbitration and Judicial Resolution* is replete with the carcasses of past efforts that go well back into history. In modern times, the custom of arbitration can be traced back to the Jay Treaty of 1794 between the United Kingdom and the United States. Two horrendous wars in the twentieth century encouraged the governments of major powers to establish organizations that would attempt to resolve disputes among states without resulting to war. With the failure of the League of Nations, the United Nations (U.N.) was established in 1945 as the most recent effort to avoid conflict in the affairs of state. To be sure, the U.N. faced long odds in facing the conflicting interests of states and the international community more resembled the world of Thomas Hobbes' "state of nature" than it did the idealism of Immanuel Kant. But, this time the inclusion of the United States and more attention to detail in writing the Charter might just make a difference.

According to Chapter VII, Article 2 (7) of U.N. Charter, the Security Council (SC) is given the power to maintain peace, to "determine the existence of any threat to peace, breach of peace, acts of aggression" and to take military or non-military action to restore international peace and security." Article 39 of the Charter provides a triggering mechanism, giving the SC the authority to determine the specific threat to peace, any act of aggression and to decide any course of action. Article 41 provides the basis for economic and/or diplomatic action, while Article 42 provides the SC with the authority to determine the legitimacy of military action. Although international law grants the U.N. broad leeway in interpreting breaches of the law, what constitutes a threat to a breach of peace or an act of aggression has always been a critical question—one that has caused dissension and division on the SC from the very beginning. Opinion is divided in the legal community as to whether Article 2 (7) provides sufficient reason to allow judicial authority to rule on the legality of an action by the SC. Moreover, the ability of the U.N. to engage in interventions is limited by its ability to for the actions and by the willingness of members to supply critical resources, especially money and troops for military action. Even though Chapter VII allows for U.N. intervention without the consent of members, consent of the members often is necessary as a practical matter and American policy in particular always has been suspicious of engaging with the U.N. because of the crippling effect of exceptionalism.

Second, we have to consider the concept of *State Sovereignty*. The principle of state sovereignty is firmly fixed in Article 2, paragraph 1 of the U.N. Charter and it is classically described as a founding principle of the post-Westphalian state system (although state sovereignty began long before the Peace of Westphalia in 1648). In theory state sovereignty is inviolable. In 1966 the General Assembly of the U.N. passed the *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty*, which meant that no outside state is permitted to intervene in any way in a civil war to help one side or the other. In international law the state has exclusive control over its territory and others who intervene must have the consent of the state in question.

However, the inviolability of state sovereignty is contradicted by provisions that provide for exceptions to the non-intervention of a state. Driven by the deterioration of conditions in the Congo in 1960, the right of the state is not absolute and there are circumstances where intervention is a state at war is warranted and even in states where civil war is exigent. Violation of human rights can be—and often is the prime reason given to internationalize a civil war. The U.N. Charter, Article 1, paragraphs 2-3 and UNSC Resolution 1514 provide for the intervention in a sovereign state. And, according to Article 1, paragraph 3 of the U.N. Charter the concept of human rights can be extended beyond actual violence to the dislocation of people, refugees, lost homes, jobs lost, etc. Protection of non-combatants in war is covered by the Law of Armed Conflict.[5] The primary aim of these aspects of international law is to protect the lives of non-combatant and to ensure that they have access to food, shelter and medical supplies and services. These conventions also stipulate rules governing non-combat forms of "intervention," such as "withholding economic aid, delivering diplomatic messages, recalling diplomatic personnel, suspending diplomatic relations and economic boycotts."[6]

The special case of self-defense is an integral part of sovereignty and international law. In fact, self-defense is a serious complicating factor in sorting through when it applies and when it does not. The right to self defense is enshrined in Chapter VII, Article 51 of the U.N. Charter: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."[7] As might be expected, Article 51 has been twisted and used for malignant purposes as much as it has been used for justifiable purposes. Whether legitimate or not, in the early 1990s Bosnia and Herzegovina invoked Article 51 to reject the U.N.-imposed arms embargo because of Serbian intervention in the growing conflict between Muslims and Serbs living in Bosnia. (Eventually, the arms embargo issue would become a major issue and stumbling block to peace in Bosnia.) The invocation of Article 51 is further complicated and often distorted because the Security Council can annul a declaration of self-defense. Legally, the UNSC can deny an invocation of Article 51 if such action has a "beneficial effect" in maintaining "international peace and security." In any case, self-defense is only applicable until the UNSC can consider and act on whether the use of Article 51 is applicable.[8]

Third, *Command Responsibility* is a major component of international law, particularly the Law of Armed Conflict, and has been especially important for the ICTY and its successor as they attempt to pursue justice. The meaning of Command Responsibility, also known as "Superior Responsibility" has changed somewhat of the last 20 years.

5 Law of Armed Conflict, Article 7, The International Committee of the Red Cross. The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, Geneva. Protocol II Additional to the Geneva Conventions (1977), International Committee of the Red Cross, Geneva.

6 Boycotts are, themselves, considered an act of war.

7 U.N. Charter, 1945, chpt. VII, art. 5.

8 North Atlantic Treaty, April 4, 1949, art. 5.

> The soldier who obeys a manifestly unlawful order is culpable for any violation of the law of armed conflict (LOAC) resulting. The superior who gave the unlawful order is equally culpable for the subordinate's violation by reason of having given the unlawful order. In the past, it was viewed as a form of the crime of aiding and abetting. No longer. Today, most authorities accept that "[command responsibility] does not mean… that the superior shares the same responsibility as the subordinate who commits the crime…but that the superior bears responsibility for his own omission in failing to act." The superior's criminal responsibility flows from the neglect of a specific duty to take measures that are necessary and reasonable in the given circumstances.[9]

Command Responsibility was established in the Geneva Conventions of 1949, but the Conventions left the enabling legislation up to individual states. In addition, Protocol 1 of 1977, Articles 86 and 87, dealt with the requirement to act, to repress or punish subordinates who commit violations of international law. As Solis points out in the above quote, the requirements of the 1977 Protocol have changed by requiring more specificity concerning when and how a commander can be held responsible for the actions of the soldiers under his or her command. In these cases, it is necessary for the commander to have known—or at times should have known—that a crime had been committed or was about to be committed and that the commander had the ability to prevent the criminal activity. In addition, if a commander has made it clear to his troops that violations of the standards of the laws of armed conflict must be observed and that any violation of the law will not be tolerated that commander cannot be held responsible for any violation of the law perpetrated by men or women under his or her command. But lower rank officers and enlisted personal can be held responsible for breaches of the law. As Samuel Huntington points out in his seminal work, "…obedience to lawful orders is the soldier's paramount duty."[10] Any soldier who believes he or she has received an unlawful order must refuse to carry out that order.

Violations of the law of armed conflict do not only apply to military personnel; they apply to civilian leaders as well. In effect, the test is not whether the accused perpetrator is military or civilian. Rather, it is the level of *direct control* the civilian (or military) leader has over the military personnel who committed the purported illegal act. In effect, even if the application of the law has been uneven, courts have observed two areas of criminal responsibility for both military and civilian personnel. Most obvious, commanders and/or civilian leaders can be held responsible for ordering subordinates to carry out unlawful acts. Less obvious, commanders and civilian leaders can be held responsible for failure to act to stop an unlawful act. At least in theory, then, the commander or civilian leader can be held responsible if he or she knew of should have known that a crime had been committed or should have known it was about to be committed and/or the commander of civilian leader had the ability to prevent the unlawful act but failed to do so. This standard is echoed in Rule 153 of the *Customary International Law Study* of the International Committee of the Red Cross. It states

9 Gary D. Solis, *The Law of Armed Conflict* (Cambridge: Cambridge University Press, 2010), 381.
10 Solis, *The Law of Armed Conflict*, 396.

that "commanders and other superiors are criminally responsible for war crimes committed by their subordinates if they knew or had reason to know that the subordinates were about to commit or were committing a crime." Article 28 of the Statute of the International Criminal Court (ICC) recognized two kinds of "superior responsibility." First, "any person acting 'effectively' as a military commander is responsible for crimes within the jurisdiction of the ICC by individuals under his effective command and control." Second, "a hierarchical superior in a non-military relationship with the subordinate." However, the *Geneva Conventions* and the *Additional Protocol II of 1977* do not cover non-international armed conflict (i.e. civil wars). But this standard is contradicted by Article 7.3 of the ICC which says that "superiors bear responsibility if they do not take action for crimes committed by their subordinates in a non-international conflict."

By any commonly accepted standard, then, responsibility for a crime does not have to be limited to the *de jure* (or official) superior official in the line of command, but can be extended to a superior official who exercise *de facto* authority. But, the standards of command responsibility do differ on the point of their applicability to civil war. Most standards of command responsibility also prescribe rules of responsibility for military commanders and civilian leaders alike. But here, as with the applicability of the law to civil war, the rules for the limits of responsibility are not clearly laid out and are not uniform from standard to standard. This can—and has—led to confusion in the application of law and has led judges to find individuals guilty not by strict adherence to the law, but by judges' assumption of guilt. This has had enormous repercussions for the defendants facing the ICTY.

Fourth, *International Human Rights Law, Crimes Against Humanity and Genocide* are different, and yet they share a major common feature and are applicable in times of war or peace. All three are concerned with crimes against a group of individuals, all three compromise state sovereignty and each one can be very broadly defined. The Universal Declaration of Human Rights (UDHR), which was adopted in 1948, is generally recognized as the foundation for International Human Rights Law. Eleanor Roosevelt was the American delegate to the 1948 convention that formulated and drafted the UDHR and, although President Jimmy Carter signed it in 1977, it has never been adopted by the Senate. Once again, the American reluctance to formally recognize the UDHR is based on the assumption that the U.S. is a nation apart, not bound by the same norms that bind other countries. The UDHR and Human Rights Law rest primarily on the assumption of natural rights and is based on the recognition that all human beings have basic inalienable rights and are applicable to everyone, everywhere and at all times. Although Human Rights Law has never been codified into one or two basic documents, the UDHR has given birth to nine basic treaties as well as the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Since 1948 the UDHR has given increasingly specific and encompassing rights (e.g. racial discrimination, torture, forced disappearances, disabilities, the rights of women, children and indigenous people, to mention just a few). As the U.N. notes:

> Over the years, the commitment (to the UDHR) has been translated into law, whether in the form of treaties, customary international law, general principles, regional agreements and domestic law, through which human rights are expressed and guaranteed. Indeed, the UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights.[11]

Crimes against humanity refers to criminal acts perpetrated against civilians in war or peace time. As with judicial human rights law, crimes against humanity refers to a long list of offenses, including murder, massacres, extrajudicial executions, torture, rape, ethnic cleansing, genocide and many more. Crimes against humanity as a concept can be found deep in history, although it appears in a concrete form only in the early 19th century. The concept was formally codified in the Charter of the International Military Tribunal held in Nuremberg after World War II and it was incorporated into the Rome Statute of the ICC. Crimes against humanity is a class of crimes that are perpetrated or condoned by state policy and anyone who participates in that activity can be prosecuted. In short, "crime against humanity refers to a category of crimes against international law which includes the most egregious violations of human dignity."[12]

Originally, genocide was included as one of the crimes against humanity and was first recognized as a part of international law by the U.N. in 1946 in the wake of World War II. But in 1948 it was recognized as an "independent crime" under the U.N.'s *Office on Genocide Prevention and the Responsibility to Protect*. It has been ratified by 149 states, including the U.S. According to the Genocide Convention, the definition of genocide is quite broad. According to the U.N., the definition is as follows:

> In the present Convention, genocide means any of the following acts with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> - Killing members of the group;
> - Causing serious bodily or mental harm to members of the group;
> - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> - Imposing measures intended to prevent births within the group;
> - Forcibly transferring children of the group to another group.[13]

11 "The Foundation of International Human Rights Law," Universal Declaration of Human Rights, United Nations, https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html.

12 Cornell Law School, "Crime Against Humanity," *Legal Information Institute*, https://www.law.cornell.edu/wex/crime_against_humanity

13 "Genocide," Office of Genocide Prevention, United Nations, https://www.un.org/en/genocideprevention/genocide.shtml

Fifth, we must consider *Universal Jurisdiction* (UJ). The roots of UJ go back at least to Roman Law[14] and can be found in Judeo-Christian Scripture, especially in the New Testament. Despite its deep historical antecedents, the abiding domination of state sovereignty relegated UJ to the "back burner" for more than 300 years, except as a tool to prosecute slave traders and pirates. However, UJ has made a strong comeback in the past 20 years or so. Since promulgation of the Rome Statute, the ICC has become a primary advocate and proponent of UJ and has pursue dozens of leaders accused of war crimes. Generally speaking, UJ can be defined as follows:

> Under standard international jurisdictional rules, nations can only prosecute conduct with which they have some connection. However, under the growing doctrine of universal jurisdiction (UJ), nations gave the right to punish certain crimes despite having no relation to the offense. Universal jurisdiction is thus like a very liberal standing rule, one that allows anyone to litigate the legality of particular conduct, without requiring a concrete injury.[15]

UJ has been "resurrected" as such crimes as genocide, crimes against humanity, war crimes, ethnic cleansing and torture have gained in renewed prominence. Certainly, these are not new crimes—they have been around since the dawn of history—but they have gained new currency in the contemporary era because of the advent of modern technology that gives us a much better view and understanding of scope, depth and brutality of such actions. As Lyal Sunga points out, dealing with these crimes gains legitimacy by reflecting *erga omnes* (an action owed to the world community) and *jus cogens* (elements of international law that are binding on all states).[16] Consequently, "…there is no condition that the suspect or victim be a citizen of the state exercising universal jurisdiction or that the crime directly harmed the state's own national interest.[17] UJ is the primary tool of the International Criminal Court.

Although contemporarily the full weight of UJ has been felt only for the last couple of decades, advocates of UJ cite the International Military Tribunal at Nuremberg and the International Military Tribunal for the Far East (aka Tokyo War Crimes Tribunal), both in 1946, as precedents. The 1948 Torture Convention and the four Geneva Conventions of 1949 also are used as legal precedents for UJ. Moreover, UNSC Resolution 1674 provides for the protection of civilians during armed conflict and the World Summit Outcome Document of 2005 provided for the protection of civilian populations from "genocide, war crimes, ethnic cleansing and crimes against humanity." UNSC Resolutions 1894 and 2467 prohibit violence against women and girls during armed conflict. However, UJ does have opponents. Usually,

14 Aishwarya Padmanabhan, ed., *Origin, Development and Evolution of the Principles of Universal Jurisdiction* (n.p. [no place]: n.p. [no publisher], 2007).

15 Eugene Kontorovich, "The Inefficiency of Universal Jurisdiction," in *Origin, Development and Evolution of the Principles of Universal Jurisdiction*, ed. Aishwarya Padmanabhan (n.p.: n.p., 2007), 389.

16 Lyal S. Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations* (Leiden: Martinus Nijhoff Publishers, 1992).

17 "Fact Sheet," Center for Constitutional Rights, 2015.

they are scholars, politicians and statesmen who argue that UJ is a serious infringement on state sovereignty. Kontorovich has argued that UJ is used primarily in defending or pursuing the interests of the state, not in the pursuit of justice. The concept also potentially allows any group of states to establish tribunals or courts to prosecute other states or individuals. The practice of UJ does, indeed, trample on the long-held concept of state sovereignty because UJ is neither the exercise of territorial jurisdiction (within the borders of a given state) nor extra-territoriality (prosecuting individuals abroad for violation of the state's laws). In this respect, UJ has become not entirely a *de jure* concept but it has become more of a *de facto* concept. The United States government has rejected UJ when the U.S. has been the target of litigation, but has embraced the concept when it can be used by Washington to advance American interests or to punish those the U.S. wants to punish. When the U.S. endorses UJ usually it is clothed in righteous indignation and portrays Washington as a champion of international law. This smacks of putting the U.S. above the law, but it is even more than that because the U.S. exhibits a sense of righteous indignation in exercising American exceptionalism—that idea that the U.S. has been designated by God Himself as the arbiter and dispenser of law and justice in the world.

In addition to the regular, permanent organs of the U.N., since the 1990s the United Nations has authorized the establishment of International Tribunals and Special Courts. They are actually organs inspired and encouraged by UJ. They are designed to deal with specific instances of situations of alleged war crimes and normally are dissolved after the specific issues have been resolved. In many instances—but clearly not all—the tribunals and special courts function under the laws of the countries in question or under a combination of domestic and international law. Judges usually are selected according to the same formula. The tribunals and special courts are designed specially to adjudicate accusations of crimes against military and civilian leaders during armed conflict. In addition to the ICTY, the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chamber in the Courts of Cambodia (ECCC) and the Special Tribunal for Lebanon (STL) are important examples. It is instructive that to date all the tribunals and special courts have been established to deal with war crimes situations in third world countries; none have been dedicated to advanced, Western countries. This should not be seen as an indication that there are no credible accusations of wrong doing by those countries. It is, rather, an indication of the sense of self-importance and military superiority of Western governments.

Among the most prominent people accused of war crimes are:

- Several citizens of Rwanda who were convicted in a Belgian court of genocide in the 1994 Rwandan genocide.
- Former Israeli Prime Minister Ariel Sharon, who was charged with the 1982 massacres in the Sabra and Shatila refugee camps.

- Former Peruvian President Alberto Fujimori was arrested in Peru and convicted of human rights offenses and corruption, including bribery and embezzlement.
- George H.W. Bush, Colin Powell and Richard Cheney were charged with the 1991 bombing of civilians in a case brought by Iraqis.
- George W. Bush for the torture of prisoners during the Iraq war begun in 2003.
- Former President of Liberia, Charles Taylor, was convicted of war crimes during the Liberian civil war of 1989-1997.
- Former Chilean dictator Augusto Pinochet was arrested in London on a Spanish warrant for war crimes during his 17-year reign in Chile.
- In 2020 an ICC appeals court overturned a 2019 decision not to launch an investigation into the war in Afghanistan (which drew the heated condemnation of the U.S. government).
- Congolese rebel leader Bosco "Terminator" Ntaganda was convicted of crimes against humanity perpetrated during the civil war in Congo.[18]

Sixth, the issue of *Victor's Justice* hangs over the entire application of international law in general and the Law of Armed Conflict in particular. Victor's Justice is not, in the strictest terms, part of international law. But its influence is palpable, corrosive and almost ubiquitous. Victor's Justice can be defined as "…a situation in which an entity partakes in carrying out 'justice' on its own basis of applying different rules to judge what is right or wrong for their own forces and for those of the (former) enemy…. Closely related is *vae victis* behavior, where the victor unilaterally changes the agreed treaties or their interpretations and is seen as a form of victor's justice."[19]

Essentially, Victor's Justice is an act of power, not primarily justice, although that does not exclude the fact that there legitimately may have been crimes committed. Victor's Justice usually has been connected and applied to situations associated with armed conflict, but it is possible for a form of Victor's Justice to be applied in instances when armed conflict has not taken place. For example, the UNSC referred the Libyan government to the ICC for prosecution for human rights atrocities and see earlier examples of cases brought under the auspices of Universal Jurisdiction.

> As Thrasymachus says in Plato's Republic, "everywhere justice is the same thing, the advantage of the stronger". . . . As Hans Kelsen wrote in 1944 in *Peace Through Law*:
>
> "[I]t is not compatible with the idea of international justice that only the vanquished states should be obliged to surrender their subjects to the jurisdiction of an international tribunal for punishment for war crimes. The victorious states, too, should be willing to transfer jurisdiction over their own subjects who have offended the laws

18 For more information, visit the official website of JusticeInfo.net: https://www.justiceinfo.net

19 Sensagent Dictionary, "Victor's justice," http://dictionary.sensagent.com/Victor%27s%20justice/en-en

> of warfare to the same independent and impartial tribunal. Only if the victors submit themselves to the same law which they wish to impose upon vanquished states will the idea of international justice be preserved."[20]

Although the concept of Victor's Justice goes back into the dim recesses of history, the contemporary iteration became prominent only in the 20th century and especially after World War II. Efforts to try Kaiser Wilhelm II were, in essence, war crimes for his—and Germany's—part in World War I. Although Germany certainly played its part in fomenting the war, it is arguably no more guilty than any of the European powers that took part in World War I. In the lead up to the war, all the major European countries engaged in mutually destructive arms race that made the outbreak of the war almost inevitable. Although the Kaiser was never tried, the reality of Victor's Justice grew exponentially in the wake of World War II as the horrors of that war mingled intimately with the horrors of the First World War. The unbelievable cruelty visited upon Jews and others mitigated the severity of Victor's Justice, but the war did not eliminate it. In the 75 years since World War II the instance of tribunals, special courts and trials for war crimes and other crimes against humanity have multiplied significantly, especially genocide. For what Danilo Zolo characterized as the "criminalization of war" in excellent little book on Victor's Justice, what did not take place in 1918-19,

> . . . was put into practice some twenty years later by the powers which emerged Victorious from the Second World War. At Nuremberg and Tokyo, international Criminal tribunals were organized to try the defeated enemy. Twenty-two Nazi Leaders and twenty-eight high ranking members of the Japanese administration and army were arraigned. At the conclusion of the two trials, exemplary punishments were handed down, including seventeen death sentences which were carried out immediately. Altogether, some 500 German citizens were executed at the end of the subsequent trials organized by the Americans, the British and the French in Nuremberg and other cities in Germany, while we know very little about the many trials held by the Soviets in their occupied territories.[21]

The U.S. has provided the main impetus for many of the tribunals, special courts and trials for crimes against humanity, absent, of course Washington's decision to reject the Rome Statute and the ICC (unless it applies to someone else). Although the ICTY originally was a German initiative, initially the U.S embraced the idea willingly and wholeheartedly. Although the Clinton Administration signed the Treaty, it was never submitted to the Senate for approval because there was no chance that the Senate would pass it. The U.S. backed away from the ICC quickly when Washington determined that adhering to the Rome Treaty not only would be an unacceptable infringement on American sovereignty, but could put a seri-

20 Gabriel M. Lentner, "Victor's Justice in Disguise? UN Security Council Referrals and the International Criminal Court," *Völkerrechtsblog* (blog), December 19, 2016, https://voelkerrechtsblog.org/de/victors-justice-in-disguise/

21 Danilo Zolo, *Victor's Justice* (New York: Verso Books, 2009), 9-10.

ous crimp in American plans to go out into the world to "go forth to slay dragons" and could put American military in the crosshairs of international criminal prosecutions. Washington paid scant attention to the fact the ICC is the court of last resort in that it tries a case only if the state of the person accused is a citizen cannot or will not pursue the case itself. While all U.S. administrations have balked at the intrusion into American sovereignty, the real reason that Washington has taken such a strong stance against the ICC is that U.S. foreign policy is undergirded and guided by exceptionalism and manifest destiny. These twin pillars of U.S. foreign policy, in turn, are the offspring of a sense of divinely inspired moral superiority and the belief that the U.S. engages only in righteous interventions, action and wars overseas.

American opposition to the ICC has grown especially intense during the past year because the Court has approved and launched an investigation of allegations of war crimes in Afghanistan in 2003 and 2004. In effect, the ICC is questioning the notion of American moral superiority throughout the conduct of the Afghanistan campaign. In response, the Trump Administration has announced sanctions against ICC investigators that are intended to scuttle the investigators' access for travel to and questioning in Afghanistan. As U.S. Secretary of State said recently, "We cannot, we will not stand by as our people are threatened by a kangaroo court, Pompeo said, standing at a State Department podium alongside Attorney General William P. Barr, Defense Secretary Mark T. Esper and National Security Advisor Robert O'Brien.[22]

Although the overriding sense of moral superiority and righteous mission have always been part of the American foreign policy ethos, the U.S. received a huge sense of validation with the collapse of the Soviet Union and much of the Communist world. American officials engaged in self-congratulatory "chest-thumping" and a conviction that the U.S. could do no wrong, that now was the time to seize the moment, to grasp the newly found "hegemony" and teach the rest of the world how to build and maintain a true democracy. Almost from the beginning, both Republican and Democratic administrations decided that this new era would be one of "nation-building" and the "democratic peace." Despite U.S. rejection of the Rome Statute and the International Criminal Court, successive American administrations decided that part and parcel of this new adventure was to ensure that we would oppose genocide and unjustified military domination of "subject" populations. But pursuing justice would be defined and operationalized by Washington, not at the behest of international organizations. In this heady atmosphere, each President from George H. W. Bush on proclaimed American resolve to define and stamp out genocide and its offshoots. A speech by President Bill Clinton in February 1999 is illustrative of the way post-Soviet administrations believed:

> Genocide is in and of itself a national interest where we should act and we can say to the people of the world, whether you live in Africa or Central Europe, or any other place, if somebody comes after innocent civilians and tries to kill them *en mass* because of their race, their ethnic background or their religion, and it is within our power, we will stop it.[23]

22 "Trump urged to rescind sanctions on ICC staff," *Washington Post*, June 30, 2020, A3.

23 Office of the Press Secretary, The White House, "Remarks by the President on Foreign Policy," *Mount Holyoke*, February 26, 1999, https://www.mtholyoke.edu/acad/intrel/clintfps.htm

The great difficulty is that all too often punishing instances of genocide or bending others to the will of Washington has not been attainable and, when tried, has failed. Let me point to just two examples: the genocide in Uganda and Rwanda in the mid-1990s and the murders in Darfur by Jangaweed Arabs which began in 2003 and continues to this day. Much the same can be said for the failed efforts at democratic nation (i.e. state) building. The American support for the Arab Spring, which has collapsed in failure for the most part, is just one recent—although monumental—example. The foolish adventure in Iraq is another. Arguably, American efforts to bend the Balkans, especially Bosnia, to its will also has not worked. In short, America's self-congratulatory chest thumping after the fall of the Soviet Union has led U.S. leadership to think it can do more than it really, can. Washington has become drunk with a narcissistic sense of power and righteousness that is no longer realistic in an increasingly multi-polar world.

4. The Impact of History on the Wars of Yugoslav Succession and Srebrenica

The wars of Yugoslav Succession in the 1990s produce many cases that can be used as frameworks to discuss and analyze the application of international law and justice. As is true for virtually all wars, all three sides during the Balkan wars of the 1990s committed acts that could be examined through the lens of international law and justice. That would be a massive undertaking that deserves its own volume. For the purposes of this report, we will focus primarily on the case of Srebrenica. Certainly, the events that took place in Srebrenica leading up to and including the events of early July 1995 have been examined many times over. However, I am not aware of a study in which the exigencies of international law provide the major focus. Moreover, the events in Srebrenica also have been controversial and tragic, have produced anger in which different sides have their own views as to what constitutes ground truth. Over the past 25 years as the events of that July have faded, ironically firmly held versions of truth and lies, have become more firmly fixed in the popular lore of all sides irrespective of whether they bear any resemblance to the truth or not. What we write here almost certainly will not dispel any of that. But we will try to shed a bit of light on those events in as objective a sense as possible.

But, before we consider the wars of Yugoslav Succession generally and the case of Srebrenica specifically, we need to provide a bit of historical perspective. As with all things Balkan, the events in Srebrenica did not materialize "out of whole cloth" with no historical antecedents. As Winston Churchill supposedly observed, "the Balkans have produced more history than they can consume."[24] The Kingdom of Serbs, Croats and Slovenes was constructed after World War I essentially as a royal state under the Karađorđević crown and

24 In fact, the original quote referred to Crete, not the Balkans, but it is applicable nonetheless.

only became known as Yugoslavia in 1929. Although tensions emerged during the 1930s, especially between Croatia and Serbia, the arrangement worked well enough for a decade.[25] But the Balkans was not consumed by ethnic violence that originated ions ago—not until World War II that is.

During World War II, not only were the Balkans wracked by the violence caused by German and Italian invasions, ethnic violence—which had simmered below the surface since the end of World War I—broke into the open. According to several sources, the ethnic violence outstripped the violence associated directly with the war. Croatia, Serbia and Bosnia were the nexus of the ethnic violence. Croatia declared the establishment of the Independent State of Croatia, a Fascist state allied with Nazi Germany during the war. It was a state dominated by the *Ustashe*, a brutal fascist, ultranationalist, terrorist organization established by the Ante Pavelić, the wartime leader of the Independent State of Croatia, and supported by the Croatian Catholic Church. The Independent State of Croatia included the territory of what is now BiH, which was slated to be fully cleansed of Serbs by the *Genocide Project*. The Independent State of Croatia also supported the 13thWaffen Mountain Division of the Handschar, which was connected to the Wehrmacht (German Army), but was not formally part of the Wehrmacht. The Handschar, which was composed of Muslim, Croatian and some German nationals, was charged primarily with fighting against Serbian Partisans (Communists) in the mountains of Serbia, Croatia and Bosnia. The members of the Handschar swore allegiance to Adolf Hitler as well as Ante Pavelić. In 1941, the Independent State of Croatia also established *Jasenovac,* a death camp that claimed the lives of countless, Serbs, Jews, Gypsies, Croats and others. The number of those killed ranges from about 70,000 to 700,000, depending on who is conducting the analysis. The exact number likely will never be known. But what is certain is that the reality of the period of the Independent State of Croatia has had a lasting impact on the region.

The period of the Second World War was no less complicated and brutal in Serbia. Part of the country was occupied by German forces, which were the common enemy of both the Partisans, under Josip Broz Tito and backed by the Soviet Union, and the Chetniks, commanded by the royalist Dragoljub (Draža) Mihailović. While both fought against the German occupation, they also fought bitterly against each other in combat that was often more brutal than action against the Germans. They were fighting for ultimate control of Yugoslavia once the war was over. However, there were times of unity and collaboration, although they were rare. In July 1941 a rebellion against the Germans was launched by the by the Partisans and the Chetniks. The occupying Germans pressured the collaborationist government of Milan Nedić to put down the rebellion by threatening to allow the armies of the Independent State of Croatia, Hungary and Bulgaria occupy parts of Yugoslavia. In effect, this gave birth to the

25 The most serious event during this period was the assassination of King Alexander I in October 1934 as he was beginning a state visit to France. He was murdered along with French Foreign Minister Louis Barthou by a Bulgarian agent of the *Internal Macedonian Revolutionary Organization* in cooperation with the Ustasha.

Serbian Volunteer Corps (Zbor), the military arm of the Yugoslav People's Movement. Zbor leaders and members closely reflected the view if Nazi Germany and served the Nedić government—as well as German interests—primarily as an anti-Partisan force. Consequently, as the war ended not only were Germany and Croatia seen as enemies, but Serbia still had to contend with the Partisans, Chetniks and a smaller contingent of pro-German sympathizers. Ultimately, the Partisans won, Mihailović was executed, the German sympathizers faded away, the Yugoslav Monarchy ended and Yugoslavia became a Socialist state. But, in Serbia, as in the Independent State of Croatia, the past is never very far away; history is always present and much of that history is written in ethnic terms.

The victory by Tito's Partisans turned a new page in the history of Balkan politics. Yugoslavia got a second chance to succeed and Tito made the best of it. The ethnic antagonisms were buried by a combination of force and sharing the new socialist economic programs. In effect, Tito was able to balance economic benefits among the six republics and backed by the Army and the secret police[26]. But the Yugoslav workers socialist economy began to show signs of serious stress as early as the 1970s and cracks began to appear in political cooperation. The economy was still showing signs of stress, recession and unemployment when Tito died in 1980. His successors were able to hold the system together for a decade. Given the pressure in the late 1980s and early 1990s, the fact that Tito's system lasted a decade after his death is a testament to the system's strength, not its weakness. But ultimately the economic and political problems became too great and the second Yugoslavia fell apart in the early 1990s. Arguably, Yugoslavia collapsed primarily for economic reasons, but it collapsed along ethnic lines.

When Yugoslavia collapsed in the early 1990s it led to violence as the Serbian government tried to hold the country together. A short war between Serbia and Slovenia was followed by much longer, highly destructive and brutal wars between Serbia and Croatia and within Bosnia. These wars and the intrusion of Western powers would help determine the map of the Balkans. Newspaper articles throughout the Balkans harkened back to grievances that surfaced during World War II. Serbian media and official of recovering their reliance on Germany, while Croatian media accuse Serbia of reliance on France. Serbs referred to Croatians as Ustashe and Muslims as Turks, while Croatians and Muslims called Serbs Chetniks. In each case the name calling was a sign of derision and hatred. Ethnic slurs, rape and torture of the "other" became common. The sense of common Yugoslav purpose and a common destiny fashioned by Tito collapsed and the ethnic violence of the 1940s was reborn 50 years later and the Western powers intervened with little understanding of the ethnic dimension of the conflict.

Prior to World War II the Serb and Muslim populations of Srebrenica were about evenly split with slightly more Serbs than Muslims. During the war Nazi atrocities, the Serb popula-

26 Tito's secret police—*Služba Državne Bezbjednosti*—was formed early in 1946 and was not dissolved until 1991.

tion, executed primarily through action of the *SS Handschar Division* (NDH), was reduced to about 35 percent of the total population of the Srebrenica area. The NDH carried out a genocide of Serbs with the support of Nazi Germany and Muslim forces. The Serb population has never recovered. During the turmoil of the disintegration of Yugoslavia, tensions in the region grew exponentially between the two ethnic groups as early as 1992 and the old resentments manifested themselves with a vengeance. Fear and rumors, some based on fact, others were not--the perception alone was enough—frightened Muslims and Serbs alike. Serbs said that Muslim forces were acting again like the HDN, forcing many Serbs to move to safer ground in Bratunac. Muslims believed that Željko Ražnatović (Arkan) and his Tigers were in the area as were the Drina Wolves, the Šešelj Militia, the Special Police, the White Eagles and others. The Muslims had established the Patriotic League already in 1990; the League, which was commanded by Sefer Halilović, became the backbone of the Army of the Republic of Bosnia (ABiH)—in essence, the Muslim Army. The Yugoslav People's Army (JNA), which had detachments in the Srebrenica area, withdrew in 1992. This forced the Serbs to construct additional forces to supplement their few units in the area and to compensate for the departure of the JNA. Consequently, the Drina Corp—a mainstay of the Serb Army in Bosnia (VRS)--was established in November 1992 under the command of Milenko Živanović (Ratko Mladić was the Commander of the Main Staff). To worsen tension and division, the Muslims, under the command of Naser Orić, raided and destroyed Serb villages—Loznica, Bjelovac and Sikirić among others—along the Drina River from 1992 to the first half of 1995, killing more than 2,000 Serbs. In retaliation, Serb forces attacked Muslim villages in the Srebrenica area. Both sides conducted brutal tactics, conducting operations that went beyond "military necessity." By 1995 the 28th Division of the ABiH was the primary Muslim force in Srebrenica and the surrounding area. The stage was set for major combat operations in the region.

5. "Safe Areas," Srebrenica and Intelligence and Policy Failure

After the VRS took Foča, Bratunac and Zvornik, the situation in the area deteriorated rapidly. The United Nations decided to step in. Under German prodding and with the agreement of Serb Lt. General Ratko Mladić and Muslim ABiH General Sefer Halilović, the U.N. facilitated the construction of a "safe area" in the region. In April 1993, UNSC Resolution 819 established a safe area including Goražde, Žepa and Srebrenica. In June the SC followed with resolution 836, which "'mandated U.N. Peacekeepers to deter attacks against the safe areas' and authorized members states 'acting nationally or through regional organizations… in reply to bombardment against the safe areas.'"[27]

27 Stefano Recchia, "Paradox of Safe Areas in Ethnic Civil Wars," *Global Responsibility to Protect* 10, no. 3, (May 2018):369.

In addition to Srebrenica, Žepa and Goražde, Tuzla, Bihać and Sarajevo also were declared safe areas.

The concept of "Safe Areas" (or Save Havens) in the "rough and tumble" reality of international relations often works better in theory than practice. This certainly was true with respect to the Safe Area in Eastern Bosnia. In theory the Eastern Safe Area was intended to separate opposing Serb and Muslim forces and to protect civilian populations by the use of U.N. forces drawn from members states. In March 1993, the CIA warned that without proper and extensive preparation Safe Areas likely would fail.

> The forceable imposition of safe havens…would meet vociferous opposition from the Bosnian Serbs and almost certainly require a large infusion of Western forces….A force much larger than the roughly 7,500 UN troops now in Bosnia would be needed to guarantee security, even assuming compliance by all parties. An even larger force would be required in the event of general noncompliance….Muslim hardliners almost certainly would attempt to mount military operations from safe havens against Serb positions outside the zone….The establishment of safe havens would endanger humanitarian relief operations in Bosnia—which are dependent on Serbian good will.[28]

The CIA warning was to become prophetic. At the most critical juncture for the Eastern Safe Area, a Dutch Army Battalion (Dutchbat) was deployed in four successive deployments (Dutchbats I, II, III and IV) consisting of about 450 personnel. They were armed, per U.N. mandate as part of the United Nations Protection Force (UNPROFOR), only with personal weapons, machine guns and two rocket-propelled grenades (RPGs).[29] Under protection of Dutchbat and UNPROFOR, the U.N. proposed evacuating about 15,000 mostly Muslims from Srebrenica and the surrounding area, but Muslim authorities opposed the move.

Serious problems emerged almost immediately with respect to the Eastern Safe Areas. In essence, the major components (people, institutions, intelligence and policy) came together in a way that almost guaranteed failure. We can point to three reasons. First, Dutchbat was much too small and far too lightly armed. Second, support from NATO and UNPROFOR was poor at best. General Bernard Janvier, Commander of French Forces and Commandant of the Peacekeeping Force in Bosnia at the time of the military action in and around Srebrenica. He constantly and methodically refused to authorize NATO air strikes against VRS positions because he adamantly believed that Lt. General Mladić and Serb military leaders did not intend to conquer all of the enclave. He also thought that Mladić was seeking a way to settle the issue peacefully. At most, Janvier thought the VRS intended to control only the major road south of Srebrenica and that did not call for NATO air strikes. None of the major Allied NATO partners pushed Janvier to change his mind. Consequently, Janvier personally, as well as Washington, London, Paris, The Hague, Berlin, etc. are complicit in the unfolding of developments in Srebrenica in July 1995. As a result of Janvier's action, the *International Association for the Prevention of Genocide, Crimes Against Humanity and War Crimes* (AICG)

28 DCI Interagency Balkan Task Force, "Declassified CIA Document," March 23, 1993.

29 Dutchbat personnel came primarily from the Air Mobile Brigade of the Royal Netherlands Armed Forces and were designated *1(NL) VN Infanterie Bataljon*.

applied to the ICTY to indict General Janvier for "repeatedly and systematically impeding the necessary assistance to protect both the Safe Areas of Srebrenica and the populations present there since 1992 and for failing to support the Dutch peacekeeping forces that were stationed around Srebrenica."[30] The southern tip of the Enclave fell to the VRS on 3 June. But the attack began in earnest on 6 July. At that time, it became clear that Mladić and other VRS military leaders intended to take all of the Eastern Enclave. This caught Janvier and European and American military leaders flatfooted; and still Janvier was unwilling to call in major air strikes against the VRS (only one air strike was performed during the attack, destroying a VRS tank). The town of Srebrenica fell to the VRS on 11-12 July 1995 and it is in the wake of the fall of the town that killings began several days later.

Third, in addition to the failure of military leadership, intelligence officers failed in their responsibility to provide accurate, timely, useful information to the military and civilian leadership. While the CIA and MI-6 reported ethnic cleansing by all sides, many intelligence organizations—and policy makers—routinely overlooked the cleansing of Serbs in Muslim-held territories. There were too many organizations engaged in intelligence gathering and analyzing information: UNPROFOR; Joint Commission Observers, who accompanied the Dutchbat; the United Nations High Commissioner for Refugees (UNHCR); *Medecins Sans Frontieres* (MSF); the Muslim Army (ABiH; the Military Unit in Tuzla, Sector Northeast (SNE); the Bosnia-Herzegovina Command (BHC) in Sarajevo; U.N. Headquarters in Zagreb; U.N. Headquarters in New York; the Netherlands Military Intelligence Service (MIS); the U.S. Joint Analysis Center in Molesworth, England; and, various national intelligence services, including the CIA in Washington, D.C. and in the field in Bosnia.[31] Coordination among these many organizations all too often was non-existent. Organizations would "sit on" intelligence or deliberately keep it from other organizations. Sometimes, intelligence was sent to colleagues in other intelligence organizations and it was never seen by the appropriate policy makers. Other times, policy makers would simply not act on the intelligence, would not believe it, or argued that it was contrary to ongoing policy. An excellent example of intelligence that should have been seen by decision makers were the daily intercepted phone calls between Mladić and General Momčilo Perišić, Chief of Staff of the JNA, starting on 17 June, planning an all-out attack on Srebrenica. The intercepts indicated that the idea that for the attack originated in Belgrade where authorities were alarmed about the activity of the 28th Division of the ABiH. This intelligence was either not believed or was simply disregarded, overlooked, ignored or not shared sufficiently.[32] It seems to confirm the intent of the Serbs were interested in more than the southern road and were intent on taking the entire Enclave and separating it from Žepa. Also, intelligence confirming that a large number of VRS staff officers had arrived in the southern tip of the Enclave should have drawn much more attention than it did.

30 Bosnian Institute, November 1995.
31 Cees Wiebes, *Intelligence and the War in Bosnia, 1992-1995* (Berlin: Lit Verlag, 2006), 371-412.
32 Wiebes, *Intelligence and the War in Bosnia*, 399.

Another problem with the intelligence was among the intelligence professionals themselves. Intelligence tradecraft can be plagued by several problems. Intelligence officers often do not account for "unintended consequences" or "unexpected results." Moreover, they can be victims of "inertial thinking," thinking that follows a stream of consciousness and cannot be shaken by real events. Intelligence officers can be impacted by "cognitive dissonance" where they become convinced of something despite evidence to the contrary. Their thinking and analysis can be taken over by the "cry wolf" issue problem where they report something often that never happens. The difficulty often is that eventually whatever they were predicting or writing about comes true and no one believes it. There also is what Cees Wiebes calls the "sheer move scenario" where an individual, a country, etc. would not be bold enough to try to implement a policy or an action because it would be impossible to do.[33] Intelligence concerning the war in the Bosnia and Herzegovina, including Srebrenica, suffered from most of these issues. Consequently, many analysts and policy makers did not believe that Mladić and the VRS would dare to take the entire Eastern Enclave, despite evidence to the contrary. They dismissed Srebrenica and the Enclave as militarily irrelevant and that Mladić did not have interest in attacking Srebrenica. Many intelligence officers also dismissed *Operation Krivaja '95*, the three-year siege of Srebrenica from April 1992 to July 1995, refusing to consider such a major effort as a precursor of major military action. The underlying point is that for the most part intelligence failed the major powers, resulting in a policy failure that might have successfully headed off the tragedy that was to unfold in Srebrenica. There certainly were enough "intelligence opportunities" for professionals to see that there was at least a strong possibility the VRS intended to conquer the entire Eastern Enclave. Even if there was skepticism on the part of Western intelligence officers and policy makers, the presence of the ABiH's 28th Division and 285th Brigade and the threat they posed to Srebrenica and Žepa should have heightened awareness that the Serbs could not ignore the threat.

6. Questions of Legitimacy and Justice

6.1. Was the attack on Srebrenica a legitimate military exercise?

One of the most important origins of the confusion and disorganization among many intelligence and policy professionals was deep disagreement whether the Serbs would actually move against Srebrenica and the Eastern Enclaves. Some intelligence and policy professionals argued that it was "not a matter of if, but when" the VRS would move against the Eastern Enclaves. Others argued that the Serbs would never "have the nerve" to attack. Others argued that the Enclave and Srebrenica had no genuine military value, so there was no reason to take it. And, still others believed the VRS would not take the Enclave because they would not be able to deal with the flood of refugees. One significant outlier was the

33 Ibid, 359.

CIA, which predicted that it was highly likely that the VRS would move against the Eastern Enclaves and Srebrenica.

> Over time—probably within six months to a year after a UN pullout—the Bosnian Serbs almost certainly would move to take the enclaves. They will have to shift substantial forces, however, from other fronts to overwhelm the defenders. If the Serbs transfer these forces, we believe they would capture the enclaves, of which Srebrenica is the most valuable.[34]

The question was settled from 6 to 12 July 1995 when the VRS moved in full force against the Eastern Enclave and Srebrenica. The question of whether the attack on the Eastern Enclave and Srebrenica depends on the lens one uses to evaluate the action. The lens of Just War Doctrine would raise serious questions as to whether the action was legitimate. Nonetheless, even peering through a Just War lens an argument could be made for the validity of the military justification for the attack. The focus here is not on the subsequent killings—that will come in the next section, but simply the military value or necessity of the action. If one uses a lens fashioned by Carl P. G. von Clausewitz, the focus moves to the psychological and political aspects as well as the dialectical interaction among the players and events. In that sense there is sound military logic for the Serb attack. So, what are the military-relevant reasons for the attack?

First, the Eastern Enclave juts deeply into the eastern Republika Srpska and, if the Safe Area was respected by the VRS, it would have provided a sanctuary for Muslim military forces to launch attacks into the RS and then retreat into the Enclave sanctuary. In fact, that is exactly what happened (as was explained earlier). Muslim forces had been attacking Serb villages right up to the gates of Pale and the VRS needed to eliminate those and future attacks. Secondly, the three years siege of Srebrenica needed to end in order to free up troops for use elsewhere. Mladić knew that eventually the major confrontation would be in the west where Croatia was putting together a formidable force. As Wiebes notes,

> In early 1995 general Smith had told the U.S. Ambassador to Sarajevo: "If I were Mladic, I would take the enclaves. The ambassador and Smith were good friends… This was not a forecast, but a rational calculation. Smith in a Situation Report in April 1995 said that Mladic had no choice: either to concentrate his troops on the western front (Krajina and Bihac) or the eastern front. Fuel shortages, the proximity to Serbia and the possible strategic plans for Sarajevo 'led me to think that his main effort will be in the east. In order to achieve sufficient concentration of force, he probably will have to neutralize one or all of the eastern enclaves."[35]

34 DCI Interagency Task Force, "Declassified CIA Document," June 1, 1995.

35 Wiebes, *Intelligence and the War in Bosnia*, 362.

The Smith referenced is British General Rupert Smith, the Commander of Bosnia and Herzegovina Command UNPROFOR in Sarajevo.

Third, Mladić knew that military resistance would be weak. He knew that there was an attempt by the major powers to build a Rapid Reaction Force (RRR) to counter military moves by any of the indigenous forces. If the RRR became a reality, Mladić would see it—in reality—as a pro-Muslim force. But, an RRR never got off the ground—the idea collapsed as quickly as it had arisen. Moreover, Mladić knew that President Clinton, who confined the U.S. contribution to air power, was opposed to using American troops for fear of American death the year before his reelection campaign. And, the European contribution was going to be only Dutchbat, which he saw as a "paper tiger." It did not have enough men or weapons to provide a genuine defense of the Enclave of Srebrenica. Finally, the commanding staff of the VRS knew that the ABiH was in as very weak position and likely would not be able to defend the Srebrenica. Note what a CIA report says:

> The Bosnian Army defense of Srebrenica collapsed because of a combination of material shortcomings, the light infantry composition of the defenders, a lack of effective command and control and an underlying reliance on UNPROFOR and NATO to deter Bosnian Serb attacks against the enclave. . . . The Bosnian Army forces in the enclave had very few heavy weapons of any type—field artillery or heavy mortars—and little ammunition for those they had. A lack of anti-tank weapons to counter BSA armor was an especially serious shortcoming, leaving the defenders unable to confront even a small armored column.[36]

Clearly, the VRS commanders had done their homework extremely well and were militarily prepared. Operation *Krivaja '95*, the plan to eliminate the threat from the Eastern Enclaves, was prepared to go.

6.2. Were the methods used by the VRS to after the military action against the Eastern Enclave legitimate?

While a legitimate argument can be made for the military necessity of the attack on the Enclaves and Srebrenica, the same cannot be said for the post-military conquest of Srebrenica. All sides engaged in ethnically-driven executions, but most of the killings were conducted by Serb forces. At a session of Congressional Intelligence and Foreign Relations committees in Washington on 9 August 1995, the Deputy Director for Intelligence reported that "… Croats and Muslims in Bosnia have also committed atrocities and forced Serb civilians to flee, but the ethnic cleansing carried out by Serbs (since 1992) are unequaled in their scale and intensity."[37] The killings if mostly men and boys as well as members of the 28th Division of the ABiH that took place in Srebrenica was a matter of deep concern in Washington as well

36 DCI Interagency Task Force, 18 July 1995.

37 Central Intelligence Agency, "*Statement* by *CIA Deputy Director* for *Intelligence John Gannon* on *Ethnic Cleansing* and *Atrocities* in *Bosnia Joint SSCI SFRC Open Hearing*," August 9, 1995.

as other Western capitals. But, there also was division within Western governments about where primary guilt should rest. For example, some agencies and departments in Washington concentrated on Serb executions, but tended to ignore executions perpetrated by Muslims and Croats, while other agencies and departments had a broader view of the atrocities.

It is difficult to know with any precision how many people were killed after the fall of Srebrenica and continuing for several days thereafter. Where one stands determines the number of people one believes were killed. Official Serb sources say about 2,000 Muslim "soldiers" were killed, but do not list the killing of men and boys.[38] Muslim, news sources and the International Committee of the Red Cross claim the number of men and boys killed was from 6000 to 8000. Author Andy Wilcoxson argues that the "number of prisoners that the Bosnian Serbs executed is about 3,900, which is less than half of the 8,000 that have been alleged."[39]

When the fighting was over, approximately 25,000 of 40,000 Muslims surrendered. A complicating factor in determining the number of people killed in the aftermath of the attack of Srebrenica is the "break out" of between 10,000 and 15,000 Muslim soldiers and accompanying civilians during the night of 11-12 July. The CIA recounts the scene:

> On the evening of 11 July, a few hours after Serb soldiers had occupied the town center of Srebrenica, some 12,000 ARBiH soldiers and Muslim civilians gathered in the little village Susnjari in the northwestern corner of the enclave. They had decided to make a break for freedom rather than surrender to the advancing Serbs. Their barely conceivable intention to sneak past the VRS patrols and make their way through tens of kilometers of Serb-held territory to government-held lines. Their collective decision was a terrible gamble, born of fear and desperation, and a horrific odyssey lay before them. Fewer than half would survive the trek. . . . Ibro Dudic's 282nd Brigade, arguably the 28th Division's weakest and most expendable formation. Spaced in between were the other three 28th Division brigades, with each brigade along the line notionally responsible for looking after the unarmed and unmilitary civilians in their segment of the column.[40]

There was almost constant fighting along the way. The Serbs lost some of the pitched battles and took heavy losses and even lost contact with the Muslims for a while and had to search for them. But mostly the Serbs were victorious, with major battles at Novo Kasaba and Snagovo. As a result of the engagement, which is just southwest of Zvornik, the Serb Drina Corps had underestimated the strength and resolve of the Muslim forces. After heavy fighting the Muslims that were left from the original group were able to push through the Serb forces

38 "Report About Case Srebrenica (The First part)," (Banja Luka: Documentation Centre of Republika Srpska, Government of RS Bureau for Relations with the ICTY, September 2002), 27-28.

39 Andy Wilcoxson, "Srebrenica: The Ugly Truth," July 11, 2014.

40 Central Intelligence Agency, Office of Russian and European Analysis, *Balkan Battlegrounds: A Military History of the Yugoslav Conflict, 1990-1995*, vol. 1 (Washington DC: Central Intelligence Agency, May 2002), 343.

and make a dash for Zvornik. According to multiple sources, 5,000 to 6,000 Muslims of the original 10,000 to 15,000 made it safely to Muslim-controlled areas in and around Zvornik. Authorities, analysts and scholars are not sure where all those Muslim soldiers and presumably some civilians who were killed along the escape route are buried. It is quite possible that many—if not most—have been counted among the dead attributed to the Srebrenica massacre. Andy Wilcoxson argues that about 3,900 inhabitants of Srebrenica were killed by elements of the VRS (the CIA puts the figure at about 5,000). Wilcoxson notes:

> If the Bosnian-Serbs executed approximately 3,900 prisoners, then what happened to the rest of the 7,661 people on the Prosecutor's list of missing and dead? The short answer—they died on the battlefield on their way across Serbian territory. . . . There is no dispute that the column of men that broke out of Srebrenica was a legitimate military target. The ICTY prosecutor's own military expert readily admitted that the column did "qualify as a legitimated military target."
>
> Even the prosecutors themselves acknowledged the military character of the column. Senior prosecutor Peter McCloskey told the court point blank, "It was a military column. You don't see any war crimes being charged on the attack of this column["]. . . . We know from numerous credible sources within the U.N. and among the survivors that the column suffered several thousand combat losses, which pretty well accounts for the number of missing and dead that were not executed.[41]

It is clear from the fighting not only for the Eastern Enclave and Srebrenica, but throughout the war that bitter ethnic hatred was the root cause. The wars of the 1990s dredged up all the hatred that had been so obvious during World War II and that lay dormant during the Tito era. The depth of hatred seemed somehow to justify killing not only on the battlefield but aside from actual combat. Despite the fact that we do not know the exact number of people executed in and around Srebrenica, we do know that the number was excessive. Even if we take the number of 2,000 which has been posited by the government of the RS, it is a very large number of people. The killings also were driven by the "need" to gain and hold territory so that if an armistice was agreed to Serbs, Muslims and Croats would be in a position to control as much territory as possible. Unfortunately, the Vance-Owen plan, which might have ended the fighting not only was rejected by the Serbs, but was rejected by the Clinton administration, which felt that Vance-Owen gave too much territory to the Serbs. A tentative agreement between President Alija Izetbegović and RS President Radovan Karadžić to exchange Muslim control of the Eastern Enclave for Serb control of some Sarajevo suburbs also was scuttled. The Clinton administration also rejected this solution because they believed it favored the Serbs. So, the war continued. It is clear that throughout the war, the Clinton administration really was not an honest broker, but were convinced that the Serbs were fully at fault.

41 Wilcoxson, "Srebrenica."

6.3. Does international law apply to the action and the killings in the Eastern Enclaves and Srebrenica?

Theoretically, the sovereignty of a state is the bedrock of international law and inviolable. In reality, as discussed earlier, there are multiple legal and illegal ways to breech state sovereignty and violating state sovereignty has been the norm for centuries. So, in theory Yugoslavia and later Bosnia were sovereign states, but the circumstances surrounding the collapse of Yugoslavia and the advent of Bosnia created conditions that opened the door for intervention of foreign powers. Theoretically, there also is a difference whether the war in question is a civil war or an international conflict. In a plebiscite held in 1991, Serbs in Bosnia overwhelming voted to remain with Yugoslavia. But a second plebiscite was held in March 1992 approved independence for Bosnia-Herzegovina, only because the Serbs boycotted that vote. Quite reasonably, it can be argued that Bosnia was part of Yugoslavia at least until March 1992 The government of the Republic of Bosnia and Herzegovina involved in either ordering the killings or knowing either beforehand or afterward about the killings? Moreover, who else knew or should have known? Of course, the number of innocent people killed is important because the greater the number of innocent people murdered, the more heinous the crime and the more serious the moral turpitude. However, whether the number killed was 8,000 or 2,000 a war crime was committed and someone gave the orders and others committed the crimes. The problem was that in the bias (on the part of those testifying and the judges who will determine the outcome of each case), faulty memories, hearsay, spite, promises of reduced sentences, etc. can make it very difficult at times to know the answers to the central questions. These problems plagued the trials at the ICTY throughout its venue often making it difficult to draw a direct line to those responsible for the killings and putting command responsibility in question, especially because of the changes requiring more specificity brought about by the 1977 Geneva Convention Protocol. Of course, in many cases it was possible to draw that direct line, but in other instances, it was not, especially since command responsibility applies not only to military officers but to civilian authorities, who had less direct contact with soldiers than military officers. In addition, the requirement that superior officers and officials make known the rules to lower ranked military personnel actually made the case of Srebrenica more difficult to prove, since there was scant evidence to prove that this was or was not done. Command responsibility was not the formal charge leveled against the overwhelming number of the accused. But, because of the lack of *direct evidence* of culpability in many, if not most, cases, command responsibility was the underlying, default rationale for conviction.

The combination of Human Rights law, Crimes Against Humanity and Genocide and Universal Jurisdiction had enormous significance for prosecuting the killings in Srebrenica not because they are not legitimate tools for prosecuting crimes when used properly and

judiciously, but because they are so broad and allow for so much leeway that they can be abused and be used as "catch-all" legal categories. Human Rights law and Crimes Against Humanity encompass very long lists of crimes and abuses that prosecutions almost always can be made in times of war and even peace. The definition of genocide is so broad and encompassing that it, too, can be applied in many war time situations. Universal Jurisdiction may be the broadest category of all, since it allows for almost any state or group of states to pursue a case. These tools were abused in the case of Srebrenica both as sins of omission and commission. That is, there were individuals from all three ethnic groups throughout the war who escaped prosecution based on these criteria, despite the fact that there was good probable cause to convict them, while there were individuals who were convicted who probably should not have been.

The fundamental problem is not that Serbs—or any of the other combatants—should not have been held accountable for war crimes in Srebrenica or elsewhere during the war. The problem is the hypocrisy of other countries, primarily the most powerful ones. The unevenness and unfairness of the international judicial system is that it is unevenly applied and is badly in need of reform. There is a saying that "history is written by the victors," which has been attributed to many people throughout time. The problem is the prevalence of Victor's Justice, the problem of the Melian Dialogue. The powerful all too often avoid answering for accusations of criminal activity that are clearly violations of international law. Victor's justice is the denial of justice; it is the philosophy that "might makes right." This has been a basic problem in trying to establish the attainment of justice throughout history. The current spate of victor's justice proceedings was established with the Nuremberg and Tokyo trials after World War II. There is no question that the Germans and the Japanese perpetrated horrific atrocities before and during World War II, but their actions were more exemplars of human interaction in war than they were exceptions in both war and peace.

For example, European countries and the U.S. have never been held accountable for participation in the slave trade, whether it was the Dutch in West Africa and Brazil or the British, French, Spanish and Portuguese throughout Africa. U.S. authorities have never been held accountable for the treatment of Native Americans, the cruelty in putting down rebellion in the Philippines after the Spanish-American War or the atomic bombing of Hiroshima and Nagasaki. Britain has never answered for the saturation bombing of German cities led by "Bomber Harris." There was even a statue of Harris constructed in London. France has never been held to answer fully for the torture and cruelty perpetrated in attempting to put down the rebellion in Algeria, China has yet to answer for the brutality committed during the Cultural Revolution and Belgium for the cruelty unleashed in the Belgian Congo, the "personal" possession of King Leopold III. We could go on *ad infinitum*, but the point is made.

7. Operation of the Court

The following analysis is the result of confidential interviews with several individuals who had extensive knowledge with the workings of the ICTY Court and are highly reliable as well as my own examination of the workings and decisions of the Court. The interview sources reported that the prosecutors and judges had varying experience with the Balkan region. Most were well versed in international law, including the law of armed conflict and had experience in the kind of cases that were brought before the ICTY. Moreover, the judges and prosecutors were supported by lawyers and investigators who also were well versed in international law. However, the major problem was the palpable appearance of bias.

According to several excellent sources, the judges were heavily influenced by Western media, which were biased to the extent that the Serbs almost always were the villains and the Muslims were always the victims. The interview sources reported that the bias against Serbs was so strong that it often made evidence to the contrary irrelevant. It made no difference in many cases even if the testimony of some witnesses was refuted by other witnesses which should have been sufficient to raise reasonable doubt. There also were specific instances where witnesses, who themselves were accused of war crimes and where defendants were offered reduced sentences or immunity from prosecution to tell the judges what they wanted to hear. As one source stated, "the institutional pressure for a 'success' (conviction) and against 'disaster' (acquittal) was overwhelming and enormous." As JusticeInfo.net notes, "The history of the International Criminal Tribunal for the Former Yugoslavia (ICTY) seems a bit like fiction, with its tales of political pressure, witness intimidation, controversial judgments. . . . But the ICTY's story also involves high stakes for international relations and a complex legacy for the societies of the former Yugoslavia."[42] The explanations and judgments of the Court, as well as the many of the arguments of prosecutors were rich and heavy on describing scenes of horror, destruction and mayhem, but very little evidence linking accused individuals directly to the crimes. Although "command responsibility" is formally mentioned in very few cases, in reality it means that "command responsibility" undergirded almost every case because specific, concrete evidence is not required in these kinds of cases, merely the accusation that "he knew or should have known." This does not mean that every decision the Court made was wrong or flawed, but it does mean that there is sufficient reason to describe the work of the ICTY more often as a political undertaking than an exercise in legal rectitude and justice.

42 Pierre Hazan, "ICTY Reflects Strengths and Weaknesses of International Justice," *Justiceinfo.net*, April 5, 2016, https://www.justiceinfo.net/en/26728-icty-reflects-strengths-and-weaknesses-of-international-justice.html

7.1. Responsibility and the Chain of Command

Assigning guilt to individuals in the chain of command that is based on solid evidence has become one of the most difficult tasks of the court because there is a paucity of intelligence that directly links specific individuals to specific crimes. But, as has already been stated, this has not stopped the court from assigning guilt which too often is based on hearsay, rumor, supposition and bias and certainly, in some cases, on good evidence. Although the paucity of direct evidence applies to both Serb and Muslim (Bosniak) leaders, Serb leaders were much more likely to be found guilty based on spurious arguments than Muslim (Bosniak) leaders, despite atrocities committed by both sides.[43] Ironically, according to an older understanding of international law, the requirements for guilt were much looser than they have been over the past twenty years or so (see the earlier discussion on changes in command responsibility).

On the Serb side, the trials of Radovan Karadzic and Ratko Mladić are most instructive.

Perhaps the most glaring example of a "political" trial was also one with the highest profiles, that of Radovan Karadžić. The Court and prosecutors spent a great deal of time describing awful scenes, especially in connection with Srebrenica, but producing very little evidence purporting to connect Karadžić to the events being described. The prosecution and the defense both produced witnesses, but only the prosecution witnesses were believed. There was no way Karadžić was going to be found not guilty. He was found guilty because he was the President of Republika Srpska (RS), so he "must have known" and "must have approved." This would be the default model in most democracies (especially in the West), where the head of state certainly would know about such criminal action. But that is not the applicable model in RS, a point that neither the Judges nor the prosecutors understood. At the time of Srebrenica, Karadžić and General Ratko Mladić were hardly on speaking terms. There was a near coup by Mladić against Karadžić and Karadžić was Supreme Commander of the RS armed forces in name only. And yet, he was found guilty of genocide, crimes against humanity and violations of the laws or customs of war committed by RS forces. Of course, each of these crimes is heinous, but they also are very broad and can be "catch-all" crimes that can be used when there is little or no evidence against the accused individuals. They also are crimes that can be made against virtually any military that has ever fought in any war. And, perhaps not surprising, Karadžić, along with Mladić, Slobodan Milošević and even Biljana Plavšić were arrested after the massacre at Srebrenica when their usefulness to the U.S. was over and they could be abandoned.

The case of Mladić is more complex. For much of the war, Mladić was the Colonel-General at the head of the VRS. As early as 1996 several counts were lodged against him because "there were reasonable grounds to believe he had committed the alleged crimes." He was charged at that time *in absentia* since he was not to be apprehended for another 15 years. Political pressure was exerted on Serbia by requiring Belgrade to capture and turn Mladić

43 Serb atrocities were discussed in more detail in various sections of this report. See chapters written by Adenrele Shinaba, Gideon Greif and Yukie Osa.

over to The Hague as a condition for Serbia attaining candidate status for EU membership. In 2017 Mladić was sentenced to life in prison having been found guilty on 10 charges of genocide, 5 for crimes against humanity and 4 for violations of the laws and customs of war. In effect, Mladić was found guilty solely on the basis of command responsibility since there was no direct evidence linking him to the executions in and around Srebrenica (and the siege of Sarajevo). Arguably, if anyone could be found guilty by command responsibility, it would be Mladić. But, again, to do so the Court would have to rely on an older understanding of command responsibility.

Interestingly, Mladić was in Belgrade for meetings with international officials when most of the killings in Srebrenica took place. At the time, he was unable to communicate with VRS forces in and around Srebrenica, but the Prosecutors argued that he met with senior officers before he left for Belgrade and gave the order to kill the inhabitants. We do not know to a legal certainty whether this is true, but the Prosecution accepted it based on intercepts provided by Muslim forces to the ICTY. In fact, ICTY Prosecutors relied heavily on real time interceptions provided by Muslim authorities to the Court in a large number of cases. However, as noted earlier in this report, Cees Wiebes, in his book on intelligence and the war in Bosnia, argues that this evidence is suspect because Muslim military and intelligence authorities were not known to have the technical capabilities and equipment needed to attain these intercepts. Moreover, original supporting journals of actual military operations were said "to have been destroyed after the war" and the Court allowed "reproduced" journals to be offered as evidence, despite obvious chain of custody issues.

An examination of the accusations against 109 additional chain-of-command individuals for this report revealed uneven patterns of evidence, and objective, equitable jurisprudence. Again, the point is not that every accused individual is innocent of legitimate war crimes, but the same weaknesses inherent in the "catch-all" accusations, universal jurisdiction, victor's justice and political motivations played out in many cases. In too many cases, the finding of guilt simply was not sustained "beyond a reasonable doubt." Moreover, the problem is not simply the number of guilty verdicts brought against Serbs, but the paucity of arrests and accusations and lack of guilty verdicts brought against Muslims and Croats during the same period of time. The fates of Naser Orić, Commander of the ABIH, and Ante Gotovina, a Commander in the Croatian Army, especially come to mind. Orić and Gotovina, as well as other Muslim and Croat officers, were convicted of war crimes by the Trial Chamber of the ICTY, but the convictions of both were overturned by the Appeals Chamber of the Court.

These acquittals are particularly shocking in light of the role played by Orić in attacking Serb villages and the role Gotovina played in *Operation Storm* in 1995, which highlights the appalling lack of legal actions brought against the leaders of *Operation Storm* where officers were found guilty only to be also vindicated by the appeals process. At least in the case of Orić, his potential crimes extended beyond attacks on Serbs. The conflict among Muslim

civilians, police and military commander within the Srebrenica enclave is well documented, including the detentions, tortures and murders of leaders who opposed Naser Orić. Orić and his enforcer, Zulfo Tursunović, effectively overthrew local elected political, police and military leaders and imposed (para) military rule. This is documented by Ibran Mustafić, Hamed Salihović, Fahrudin Alić and others in their books, memoirs and war diaries. Sometimes augmented by testimony of varying validity, this is exactly the same kind of "evidence" that was used by the Court to convict Serbs. Salihović, who was murdered in May 1995 by Orić's soldiers, refers in war diaries to Orić's military authority imposed on Srebrenica as the "Junta." Alić and Mustafić in their separate works relate the murder of Major Rizvanović by Orić's forces because he posed a threat to Orić's command because he was a former JNA officer and had been sent from Tuzla with 500 well-armed men to organize the defense of the enclave. Following Rizvanović's murder, Orić assumed full command over most military forces within the enclave. Mustafić, Salihović and others believed that Orić's forces, which also controlled a black market, a joint criminal enterprise (JCE) of U.N. humanitarian supplies, smuggling and brothels, unnecessarily provoked Serb forces. It is difficult to know, again to a legal certainty, whether Orić's forces provoked Serb forces, but the Court never acted on these charges in the same manner it did act on similar "evidence" in the case of Serbs, some Croats and even other Muslims.

In addition to Karadžić and Mladić, among other Serbs found guilty, a few seems to stand out where the guilty verdict was imposed despite reasonable doubt, direct evidence of guilt or given a lighter sentence because of a plea deal. Perhaps the biggest cause of concern about the fairness of the ICTY proceedings in the case of Srebrenica has been the DNA evidence used to forensically prove genocide. Through most of the trials, the Defense was not allowed to independently confirm the work of the "independent" agency collecting and processing the DNA and other forensic evidence. Instead, this agency was supposed to verify its own work and very limited material was provided to the defense teams for Karadžić and Mladić and others in the chain of command for independent analysis. Again, this does not mean that specific individuals were necessarily innocent of war crimes, but the Court's shoddy procedures and loose understanding of the rules of evidence were painfully in view. In addition to Karadžić and Mladić, the following officers are of interest:

- Colonel Ljubiša Beara drew a great deal of attention by the Prosecutors because he was the Chief of Security for the VRS Main Staff. From this perch in the chain of command the Prosecutors and Court reckoned that Beara "was the most senior officer of the Security Branch and had the clearest overall picture of the massive scale of the killing operation." Consequently, the Trial court ruled that "he became the driving force behind the murder enterprise." Based on this supposition, Beara was convicted in 2010 of genocide, extermination, murder and persecution. In

addition, he was found guilty of a "JCE to murder Bosniak males from Srebrenica and that he participated in the JCE with persecutory intent." Beara died in prison in 2017.

- Dragan Obrenović, former Chief of Staff and Deputy Commander of the 1st Zvornik Infantry Brigade of the Drina Corps of the VRS had certain charges dropped in exchange for a plea deal.
- Similarly, Momir Nikolić, former Assistant Commander for Security and Intelligence of the Bratunac Brigade of the VRS, had criminal counts excused in exchange for a plea of guilty and an agreement to testify for the Prosecution in other cases.
- Blagojević Vidoje, former Commander of the Bratunac Brigade of the VRS, and Dragan Jokić, former Chief of Engineering of the Zvornik Brigade of the VRS, were found guilty of crimes against the Muslim population in the Bratunac and Zvornik regions of Eastern Bosnia. While there were a compelling 48 *viva voce* Prosecution witnesses, certain defense evidence was not permitted to be entered into evidence by the Court and, most important, considerable reliability was placed on intercepts from the Bosniak Army, which have been shown to be demonstrably unreliable and there is considerable doubt that the ABiH had the technical sophistication to accurately monitor intercepts.[44]
- Vujadin Popović, former Chief of Security of the Drina Corps of the VRS; Drago Nikolić, former Chief of Security for the Zvornik Brigade of the VRS; Radivoje Miletić, former Chief of Operations and Training Administration of the Main VRS Staff; Vinko Pandurević, former Commander of the Zvornik Brigade of the Drina Corps of the VRS; Ljubomir Borovčanin, former Deputy Commander of the RS Ministry of Internal Affairs Special Police Brigade and later the former Commander of a joint Interior Ministry (MUP) unit seconded to the Drina Corps of the VRS to participate in the Srebrenica operation; and, Milan Gvero, former Commander for Morale, Legal and Religious Affairs of the VRS Main Staff were all found guilty of multiple war crimes and crimes against humanity, genocide, etc. Intercepts weighed heavily in getting to the guilty verdicts and, as stated earlier, the veracity of ABiH intercepts of VRS communications is highly suspect. In addition, the Prosecution spent a considerable amount of time establishing the veracity, accuracy and reliability of aerial images of mass graves. But reliability was not the most critical issue. The veracity, accuracy and reliability of the aerial images that were introduced should have been accepted and eventually were. But, two issues other issues are critical and very little time was spent disputing them. First, some images were removed from the presentation by the prosecution and,

44 See the earlier discussion concerning intercepts and the work of Cees Wiebes.

second, the direct connection of the accused to the images was not established beyond a reasonable doubt.

- Stanislav Galić, former Commander of the Romanija Corps of the VRS, was found guilty of multiple counts of war crimes and was sentenced to life in prison in connection with VRS attacks on civilians in Sarajevo, including the infamous attack on the *Markale* open air market on 5 February 1994. Several witnesses testified to the attacks on "Sniper Alley" (the main thoroughfare in Sarajevo). As with other cases, the attacks on civilians were not in question. The evidence of these attacks, the deaths and destruction are terrible and palpable. The problem is the absence of specific, direct evidence linking Galić to the attacks. In effect, guilt was established in virtually all these cases, then, by the underlying reality of "command responsibility" without that charge being listed by the Prosecution. What is just as shocking is that similar incidents conducted elsewhere in Bosnia produced no comparable arrests.

8. Conclusions and Recommendations

Scholarly and professional works on law and philosophy list dozens of different types of justice. For our purposes in this report, three types should be considered: *retributive justice; restorative justice; and, procedural justice.*

Retributive justice was the cornerstone of the Nuremberg and Tokyo trials after World War II. Likewise, the ICTY and its successor organization have been concerned only with retributive justice. Retributive justice is based on "an eye for an eye." It is designed to pay back suffering with proportional suffering, although proportionality can be very difficult to gauge. Theoretically, retributive justice is not intended to cause suffering per se, but only for the sake of seeking justice for the aggrieved by punishment of the guilty. It is intended to be payback in kind or *lex talions*. Ironically, in the case of Bosnia and the ICTY retributive justice has pitted ethnic groups against each other, actually making ethnic hatred worse. According to the Stanford Encyclopedia of Philosophy:

> The concept of retributive justice has been used in a variety of ways, but it is best understood as that form of justice committed to the following three principles: (1) those who commit certain kinds of wrongful acts, paradigmatically serious crimes, morally deserve to suffer proportional punishment; (2) that it is intrinsically morally good—good without reference to any other goods that might arise; and, (3) that it is morally impermissible intentionally to punish the innocent or to inflict disproportionately large punishments on wrongdoers.[45]

45 Alec Walen, "Retributive Justice," in *The Stanford Encyclopedia of Philosophy* (Fall 2020 Edition), ed. Edward N. Zalta, https://plato.stanford.edu/entries/justice-retributive/

Restorative justice is, in many ways, the opposite of retributive justice. The Centre for Justice and Reconciliation says "restorative (or transitional) justice repairs the harm caused by crime. When victims, offenders and community members meet to decide to do that, the result can be transformative."[46] The objective is not punishment, but reconciliation, to share the experience as to what happened, to determine who was harmed, why and how and come to an understanding and agreement about how that which was done wrong can be made right. It is necessary for the wrongdoers to take responsibility their actions and to ensure that the wrong action is not done again and to "empower" the injured party. Restorative justice can be used in collaboration with retributive justice or with many other forms of justice.

Perhaps South Africa and the former East Germany (GDR/DDR) the two best recent example of restorative justice. In 1990, the new South African President, F. W. de Klerk, announced to Parliament that he would end the system of apartheid. Although it has been an uneven and difficult process because of "extremists" on both sides, a succession of South African governments have been able to pretty much dismantle the system of apartheid.

Until October 1990, the governments of the former East Germany had established a system of harsh punishments for a broad array of "offenses" against the communist system that were enshrined in the GDR Constitution (Article 6) and enforced by the Ministry for State Security (Stasi). Substantial progress was made through a system of "truth and reconciliation commissions" and legal changes after unification with the former West Germany (FRG). In 2017, restorative justice became established policy in Germany by adoption of the Interministerial Strategy to Support Dealing with the past and Reconciliation (Transitional Justice).[47] Unfortunately, applying restorative justice by the ICTY in Bosnia was never seriously considered. If it had been considered, perhaps in conjunction with retributive justice and other types of justice might well have helped heal wounds and point to a better future in the region. But the major powers were far more interested in revenge than justice.

Procedural justice is concerned with the way (motives and means) decisions are made. It is built on four fundamental pillars: fairness; transparency; opportunity to be heard; and, impartiality. Procedural justice deals directly with the administration of justice by ensuring that due process or fundamental justice is observed sand followed. Transparency and fairness are key in the search for an equitable process and outcomes. The late American philosopher, jurist and constitutional law expert, Robert Nozick, "argued that a properly balanced procedure…values people's rights and treats people equally." It has become clear that in many cases that were adjudicated before the ICTY, procedural justice was not always scrupulously observed. There are too many instances of inappropriate pressure, "buying" testimony with reduced sentences, bias, revenge, etc.

46 For more information, visit the official website of the Centre for Justice and Reconciliaton: https://restorativejustice.org.#sthash.vMV1XPGF.dpbs

47 The Federal Government, *Interministerial Strategy to Support "Dealing with the Past and Reconciliation (Transitional Justice)" in the Context of Preventing Crises, Resolving Conflicts and Building Peace* (Berlin: German Federal Foreign Office, 2019), https://www.auswaertiges-amt.de/blob/2298392/633d49371cb6fafd3bc1f064c/transitional-justice-data.pdf

The effort to seek justice for people wronged is a noble undertaking and as long as human beings are involved there will be no perfect system. But we can take steps to improve the system of international justice, especially as a result of war. Sadly, the current system of selected tribunals; universal jurisdiction; victors' justice; mixed messages with respect to civil versus international war; who, how, when and why intervention in humanitarian issues is warranted; playing fast and loose with due process; bias; and, an unwillingness at the international level to consider forms of justice other than retributive. A way forward might be to reexamine and reform the highest levels of international justice. Specifically, it is worth considering a basic reform of the International Court of Justice in The Hague. Although the current iteration of the Court was established in 1945, international arbitration and courts have a long history. A great weakness in the current Court is that its decisions are advisory and there is no enforcement mechanism behind the decisions. In the current Court, 15 justices serve for nine years each. One third of the justices are replaced every three years and new appointees must receive a majority vote of both the General Assembly and the Security Council. The nominees for justice positions are not made directly by governments, but by a Permanent Court of Arbitration. Members of this court may nominate up to four individuals, but only two may be of the same nationality as those making the appointments.[48]

The next step in international jurisprudence could be to reestablish the International Court to assure that its decisions can be enforced, much the way the decisions of the ICTY have been enforced. It would be wise to move individual governments as far as possible way from selecting or influencing the selection of justices who would serve state purposes and interests. This could be done by establishing a set rotation of justices from members with high ethical and legal standards from the General Assembly. Moreover, justices should be empowered to consider and apply forms of justice other than retributive and would be authorized to "untangle" the intricate and overlapping web of increasingly complex international laws. It also would be possible the establish an International Appeals Court, based on the model of the relatively new Supreme Court of the United Kingdom, which was established in 2009. Decisions of cases accepted by the Appeals Court would be binding on all parties. The aim of reform efforts is intended primarily to reduce the influence and pressure of the major powers as much as possible; to reduce the impact of the lesson of the Melian Dialogue. The world is so different now and international law needs to catch up. The world of globalization and instant technology require better tools to make justice more equitable, transparent and fair. This does not mean the end of state sovereignty--far from it. But it should mean that we make every effort to mitigate the unfair, sanctimonious impact of state interest in the application of justice. These recommendations are an attempt to begin a dialogue among lawyers, politicians and scholars in an attempt to make the international justice system as fair, equitable and objective as possible. We can and must do better than the ICTY.

48 For more information, visit the official website of the International Court of Justice: https://www.icj-cij-org

Acronym List

Acronym	Definition
ABiH / ARBiH	Republic of Bosnia and Herzegovina Army (Armija Republike Bosne i Hercegovine)
AICG	International Association for the Prevention of Genocide, Crimes Against Humanity and War Crimes
BHC	Bosnia-Herzegovina Command
BSA	Bosnian Serb Army
CIA	Central Intelligence Agency
DDR	East Germany (Deutsche Demokratische Republik)
DNA	deoxyribonucleic acid
ECCC	Extraordinary Chamber in the Courts of Cambodia
EU	European Union
FRG	Federal Republic of Germany (West Germany)
GDR	German Democratic Republic (East Germany)
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
JCE	joint criminal enterprise
JNA	Yugoslav People's Army (Jugoslovenska narodna armija)
LOAC	Law of Armed Conflict
MIRCT	Mechanism for International Residual Criminal Tribunal
MIS	Netherlands Military Intelligence Service
MSF	Doctors without Borders (Médecins Sans Frontières)
MUP	Ministry of the Interior (Ministarstvo unutrašnjih poslova)
NATO	North Atlantic Treaty Organization

NDH	Independent State of Croatia (Nezavisna Država Hrvatska)
n.p.	no place *or* no publisher
RPG	rocket-propelled grenade
RRR	Rapid Reaction Force
RS	Republika Srpska
SC	Security Council
SCSL	Special Court for Sierra Leone
SNE	Sector Northeast
STL	Special Tribunal for Lebanon
U.S.	United States of America
UDHR	Universal Declaration of Human Rights
UJ	Universal Jurisdiction
UN / U.N.	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
VRS	Army of the Republic of Srpska (Vojska Republike Srpske)

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CHAPTER IX

Laurence Armand French
Srebrenica: Confronting the Stigma of Genocide

1. Introduction

Clearly, the term *genocide* has come to connote the worst type of human carnage perpetrated by humans against their own species. Emerging out of the Nazi Holocaust during the Second World War, it was later sanctioned by the United Nations, the Geneva Convention, and the International Court of Justice to signify the most egregious form of crime against humanity. Once coined, it was quickly assigned retroactively to historical events such as the Armenian expulsion by Turkey following World War I and the displacement of American Indians in the United States. It is a term that is associated with a deliberate process of extermination and, in this sense, does not lend itself to individual offenders, per se, unless they are part of a cabal fostering these plans. Even then, any manifesto promoting extermination of a human group and/or its culture would certainly involve more than one individual. For example, Hitler, regardless of his influence, was not the sole promoter or instigator of the Nazi Holocaust; for which the term genocide originated. If some form of reconciliation is the desired aftermath to any major conflict, then means must be sought to salve the injuries of the parties involved – including addressing any perceived atrocities, including massacres, that fall outside the acceptable war-time code of conduct. This process is necessary if social justice and reconciliation is to be achieved. Toward this end, genocide needs to be defined according to Lemkin's original intent – that of the deliberately planned extermination of a race/ethnic group or culture. Any actions not fitting this definition need to be adjudicated as other types of war crimes. Accordingly, single episodes of violence (atrocities/massacres) do not, in themselves, constitute acts of genocide, regardless of the number of casualties. This is especially the case during armed conflicts when mass violence is seen as a military necessity (fog of war). Clearly, to abuse the genocide label for political or sectarian purposes, or to foster inter-group hate, is unconscionable.

2. Ethics and Justice

Ethics: (a) The discipline dealing with what is good and bad and with moral duty and obligation; (b) A theory or system of moral values; (c) The principles of conduct governing an individual or group.[1]

Ethical issues are currently of both national (United States) and international concern ranging from crimes against humanity, human subject experiments, to sex abuse. Paramount to these concerns are institutional cover-ups and justifications for these actions – institutions of trust such as religious organizations, law enforcement agencies, educational institutions, and even the Boys Scouts. Historically shrouded in philosophical polemics, within esoteric academic or theological settings, deontological ethics is often presented as a manifestation of man's *free will* or as an element of superior intellectual reasoning allowing the pretense of superior paternalism from those who prescribe these ethical and moral standards for others. Often the author(s) of these ethical and moral insights either cites a higher authority, with whom they have a privileged affiliation, or their own superior intellect as the source of their laws or logic supportive of their *moral imperative* thesis. Prophets and philosophers conjure up the "rights" and "wrongs" for human groups sharing a common ideological and cultural ethnomethodology.

Given that societies are rarely static for long, the rules regarding acceptable behavior are also in flux. Here, the concept of "boundary maintenance" comes into play. Customs and laws dictate the acceptable norms at any given time maintaining a social and psychological boundary to guide members of the group and their position within the social structure. Rules often vary according to ones' place within the social strata. The ones at the top usually are afforded privileges not shared by all members of the group often creating relative deprivation among the "have nots" or *the others* – out group members. These rule makers, those establishing the group's acceptable boundaries, are generally at the top of the social strata hierarchy and are usually male, hence the "gender" factor. Accordingly, they often make rules that insure their privileged position within the social structure. Race and ethnicity also play a significant role in the scheme of social class and privilege with *White supremacy* dominating the Euro-American social structures.

A measure of social justice, that is, the application of rules and their enforcement, is to differentiate between the rules (procedural justice) and their application (distributive justice) relevant to the society in general. This formula is also used to measure ethical standards and their enforcement. Rules are often codified into laws along with corresponding penalties, including consequences for violating professional ethics. Yet, the enforcement of laws and rules often varies greatly depending upon one's position within the social strata (privileged elite vs. social outcasts). Much of the differential between judicial ideas and the rule of law lies in the labeling of members of society as "insiders" (in-group) or "outsiders" (out-group).

1 Frederick C. Mish, Ethics, *Webster's Ninth New Collegiate Dictionary* (Springfield, MA: Merriam-Webster, 1987), p. 426.

Georg Simmel[2], the German sociologist, put forth a theory of group dynamics that captures the friction between competing groups as they adjust to challenges to the status quo. Basically, Simmel stated that changes to the status quo, the social boundaries that with which we are accustomed, often leads to reciprocal antagonisms whereby hostilities and\or animosities directed toward a defined "out-group" serves to increase "in-group" cohesion. This formula works at both the domestic and international levels including creating chaos, including wars, to distract the populace from economic or social unrest at home and to distract attention from internal problem so Israel and Palestine both benefit from their seemingly perpetual reciprocal conflict drawing attention from serious domestic issues. Even then, the ethics of war has evolved considerably since the establishment in 1907 of international rules governing wars known as The Hague Convention. These rules address the brutal treatment of the Boer (Dutch) by the British in South Africa during the Boer War as well as the atrocities attributed to U.S. military forces in the Philippines in the aftermath of the Spanish-American War. Both World Wars of the 20th century added to the "war ethics" prohibitions as did the atrocities, including "brain washing" during the UN Korea Police Action (e.g. Korean War) and the blanket bombing and use of chemical defoliants and Napalm and other chemical weapons during the Vietnam War, leading to new prohibitions against chemical weapons and crimes against humanity, including genocide. The abuse of prisoners of war and civilian captives led to the Nuremberg Code of 1947 prescribing an "International Code of Ethics." Indeed, the Ten Points of the Nuremberg Code provide the basis of bioethics.

- The voluntary consent of the human subject is absolutely essential.
- The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
- The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problems under study that the anticipated results will justify the performance of the experiment.
- The experiment should be so conducted as to avoid all unnecessary physical and mental sufferings and injury.
- No experiment should be conducted where there is an *a priori* reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
- The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
- Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.

2 Georg Simmel, *Conflict,* trans. Kurt Wolff (New York: The Free Press, 1955).

- The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
- During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he (she) has reached the physical or mental state where continuation of the experiment seems to him (her) to be impossible.
- During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he (she) has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him (her) that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.[3]

3. The Lexicon of International prosecution

- *Atrocities*: term used to describe crimes ranging from an act committed against a single person to one committed against a population or ethnic group. In general use, an atrocity or massacre designates a politically or ethnically motivated killing of civilians during conflicts. AKA "crimes against humanity" in international law.
- *Genocide*: acts committed with intent to destroy, in whole or part, a national, ethnic, racial or religious group. Coined by Raphael Lemkin, advisor to the U.S. Department of War and recognized by the UN General Assembly in 1946 and defined by the Genocide Convention of 1951. Not ratified by the USA until 1988 and with conditions that the US would not be subject to the jurisdiction of the International Court of Justice and that US laws would take precedence over those of the Convention.
- *Ethnic Cleansing*: (euphemism for genocide) includes mass murder, forced expulsion and systematic rape to "cleanse" the lineage (concept based on the forced Removal of American Indians during the 19th century).
- *Massacre*: The act or instance of killing a large number of humans indiscriminately and cruelly.
- *Crimes against Humanity*: is distinguished from genocide in that these acts need to occur during wartime while genocide does not.
- *Scapegoating*: Placing blame or ultimate culpability on one person or group, marking and stigmatizing them as objects of irrational hostility.

3 Nuremberg Code of International Ethics; George J. Annas and Michael A. Grodin (eds), *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation* (New York: Oxford University Press,1992).

4. Models of Justice

4.1. Reasons for the Regulation of Human and Social Behaviors

There are no universal moral imperatives, even regarding homicide, societies base their rules of conduct on the acceptable shared metaphysics explaining the "categories of understanding" – life and death, time and space, essence and being. This shared delusion, in turn, establishes the groups "world view" – the perspective from which they judge themselves (in-group) and others (out-group), in essence, is the foundations of their *ethnocentrism.* Social stratification is clearly articulated within the in-group, those we most want to impress – our reference group – while a more generalized stigmatizing status is assigned to out-groups. Out-group stigma often involves a blanket negative label that demonizes them and is a rallying call for in-group cohesion. Within this schema, individual behaviors are judged in term of our group affiliation. Hence, individual behavior rarely stands alone regardless of one's ethnomethodical orientation.[4]

It is within this context that the attribution or confirmation bias operates. This is a basic human phenomenon whereby the brain needs to simplify choices into a binary process much like the basis for artificial intelligence. Humans seek to avoid cognitive dissonance especially during times of crisis. In these situations, the more deliberative process of rational discrimination is replaced by a more visceral process of "gut" judgements based upon often highly charged sentiments and out-group labels. The mechanisms of the attribution bias are that we tend to rationalize or excuse bad behaviors of members of our group while over-emphasizing these attributes among members of the out-group. This behavioral phenomenon operates at both the individual and group (collective) levels. The collective attribution biases reflect the group's rationalization and superiority (ethnocentrism) vis-a-vis that of the out-group. Hence, if someone within our group (in-group) succeeds at a task, we tend to attribute the success to inherent qualities, while, on the other hand, if someone on the out-group succeeds along similar lines, we tend to attribute this to external factors such as luck or unfair advantages. Accordingly, if someone in the out-group fails, or is caught doing something bad or illegal, we tend to attribute this to inherent factors, while attributing external excuses for a similar action afflicting in-group members.

Social norms, rituals, and laws further articulate the acceptable roles for its members regardless if they are labeled as being "insiders" or "outsiders." With this comes the process of legislating morality, whereby the power brokers within the society make rules that tend to maintain their control over others – maintaining a "self-fulling prophecy." This process is needed to maintain the social boundaries from which they continue to sustain their privileged position within the society. Accordingly, this process also occurs within the political realm (legislating morality) especially where different factions vie for control of the social agenda.[5]

4 Simmel, *Conflict*.

5 Erich Goode, "Marijuana and the politics of reality", *Journal of Health and Social Behavior* 10, no. 2 (1969); Sigmund Freud. *The Future of an Illusion,* trans. W.D. Robson-Scott, ed. James Strachely (Garden City, NY: Doubleday Anchor, 1927).

4.2. The Adversarial Justice Model

Justice, then, is a relative construct often influenced geo-politics and ideology complicating any sense of judicial fairness or objectivity. Societies qualify what they term to be justice along with a prescribed method for administering justice. The contemporary Euro-American *Adversarial Judicial Model* is based primarily on the Christian (Catholic/Orthodox and Protestant sects) concept of "free will" the individual is seen as being solely responsible for his/her actions. Here the crime is seen as a choice between "good" and "evil" whereby serious sins (crimes) are considered to be *mortal* (felonies) and lesser offenses to be venial sins (misdemeanors). The major issue being the individual's free choice to sin, hence the secular concept of *mens reas* (intent).

The secular process of determining one's intent is based on "game theory" whereby a prescribed set of rules are devised in order to determine how the game (trial) is to be conducted and what are the roles assigned to the players (prosecution, defense, judges). The justice game concept is based on the ideal that there is a level playing field and that the contestants are equally qualified to play the game. In this ideal scenario the players (state/prosecution; defense/accused) have equal *standing* before the court while the judge and/or jury are expected to be neutral and value free. In essence, the justice game-model is like other games with its focus not on "justice per se," but on "winning" the game. Scores are kept and careers enhanced or destroyed according to the judicial results. In certain instances, the results have life and death consequences. In reality, like sports, the judicial game often has a hidden agenda, that of appeasing the public audience. And whenever there is a hidden agenda, there is the tendency to deceive, in essence, to cheat thereby "tilting" the playing field.

Our focus is on the US model given that America initiated and dominated the first major forum for international justice – the ad hoc war crime tribunals following World War II – the Nuremberg Trials and the International Military Tribunal for the Far East (IMTFE) – where the United States set the stage (articulating the rules of the game and deciding how level the judicial field would be). The American's ensured dominance over these judicial proceedings by providing the lead prosecutor in both tribunals. According to the US model, the adversarial process involves a contest between two independent authorities, the prosecution and the defense, which ideally argue their case before a jury of peers in a scenario refereed by a neutral third party (judge) whose role is to make certain that the respective player follows the rules of the game. Appeals are based solely on contested rule violations and not on the juried outcome (innocence or guilt). Bench trials, on the other hand, occur when the defendant choses to forego the jury trial and take their chances with a sitting judge who supposedly determine innocence or guilt based on the evidence brought before the tribunal. Both U.S.-dominated World War II tribunals had judicial juries comprised only of members of the victorious nations in the conflict.

This process originates with the commission of and reporting of a statutory violation, deemed criminal, followed by the following steps: indictment, arraignment, plea to charge, trial, verdict, sentence, and appeal if found guilty. Punishment, including severe retribution such as the death sentence, is then justified under this model. In the United States the *due process* perspective is based on the presumption of innocence, thereby forcing the prosecution to present their case before a petit jury arguing the defendant's guilt *beyond a reasonable doubt.* Mechanisms have evolved in order to ensure that innocent parties are not summarily adjudicated guilty by fiat doled out by either government agents and/or sectarian leaders. *Habeas Corpus,* derived from British Common Laws, is designed to provide protection from unreasonable arrest, detainment, and severe punishment. Moreover, defendants are to be made aware of the charges against them, afforded defense attorneys and made aware of their rights against self-incrimination as well as other guarantees such as warrantless search and seizures, excessive bail, and unreasonable detainment before trial. Defense attorneys are armed with the *discovery* process whereby they should have access to all the material gathered by the prosecution prior to the advent of the judicial contest. Failure to provide these materials amount to a major procedural error, one that warrants an appeal and the likelihood of a mistrial.

Amendments to the United States Constitution spell out these judicial ideals.[6] The 4th Amendment addresses *search and seizure,* guaranteeing the right of the citizens to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures that could be used against them in a court of law. This Amendment also stipulates that *probable cause* is a requisite for any warrant to search for and subsequently seize evidence that then can be introduced in court. Rights in criminal cases are guaranteed by the 5th Amendment with protection against indictments of capital crimes without the benefit of a grand jury indictment. This Amendment also protects against double jeopardy and protects individuals from self-incrimination or being forced to be a witness against him/herself. Accordingly, individuals are not to be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation. The 6th Amendment of the *Bill of Rights* provides for the right to a speedy and public trial, by an impartial jury from the jurisdiction where the alleged crime was committed. Moreover, the accused needs to be informed of the nature and cause of the accusations and to have the opportunity to confront the witnesses against him/her as well as having access to adequate defense counsel. The 8th Amendment calls for the protection from excessive bail and fines and protection against cruel and unusual punishment.

Ideally, the US criminal justice process originates with the commission and reporting of a statutory violation, deemed criminal, followed by arrest where the suspect is read the *Miranda warning* that they have the right to remain silent and to have a defense attorney present during any interrogation. Next comes the preliminary hearing in order to determine probable

6 U.S. Constitution.

cause and intent (*mens rea).* Juveniles and adults with compromised mental capabilities are not thought to possess the capacity for *mens rea*. Once indicted, the charges are read in court at arraignment. Here, the defendant is asked to plea to the charges. A plea of *not guilty* signifies the exercise of one's right to a trail by a jury of their peers known as the petit jury. It is in this arena that the contest begins pitting the defendant against the State (prosecution) with a judge serving as referee and the final outcome determines by the jury of peers. A guilty verdict is based on a unanimous decision by the jury (anything less leads to a mistrial) as against a preponderance of probability for civil cases. A guilty verdict is accompanied by the stigma of being a "convict" (felon or misdemeanor) and a criminal sentence seals that status. Sentencing is done by the presiding judge. While the verdict, per se, cannot be appealed, alleged procedural error can as well as challenges to the proportionality of the judge's sentence to the offense for which the person was convicted.

The United States has a dual-court system, much like Bosnia-Herzegovina with its three semi-autonomous entities created by the 1995 Dayton Accord, one for the states/territories and a federal judiciary. Most criminal adjudications occur at the state-level where the court structure includes the *inferior court system* where misdemeanors are processed before a bench while jury-trials occur in the *superior court* system which generally are held at the County-level processed by the District Attorney's office. Defendants have the right to appeal inferior/bench trial misdemeanor decisions to the superior court and a jury trial. The next level of state courts are the appellate courts with the top court designated the State's *Supreme Court.* A similar hierarchy occurs at the federal level with the county divided into federal court districts. These courts are limited to federal laws which, for the most part, pertain only to Indian Country and federally-controlled public lands. Here, the U.S. Marshals, the Federal Bureau of Investigation (FBI) and a host of other federal law enforcement agencies have original police jurisdiction. Federal courts offer plea deals at the Magistrate Court level while other federal cases are adjudicated before Federal District Trial Courts where juries are selected where the federal district is situated. Federal District Courts also serve as an appeal court for state cases once the state judicial system has been exhausted. Many of these cases address questions of Habeas Corpus appeals from prisoners. The next level of federal jurisdiction is the U.S. Circuit Courts of Appeals while the ultimate court of the land is the United States Supreme Court.

Within this system an individual charged and convicted for a state-level offense has the potential for appeal of his/her case to the highest federal court in the land. This is indeed an admirable system if practiced according to its ideals. Where this model was originally designed only for enfranchised Protestant adult males (privileged elite) during the early years of the American republic, it has been modified to be more inclusive now including all U.S. citizens regardless of age, gender, race, ethnicity, or religion. Adversarial and social justice are compatible when the laws (procedural justice) are applicable (distributive justice) to all those participating in the adjudication process. *Standing* before the court implies equal status

among the participants – prosecutor representing the state; judge; juries (Grand and Petite); defendant; defense attorneys.

Deviating from this formula often leads to a miscarriage of justice especially for those not enfranchised or other members of socially-defined out-groups. Blacks (Freedmen) were not enfranchised until 1868 with the enactment of the 14th Amendment to the U.S. Constitution: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside…excluding Indians".[7] Black citizenship status changed dramatically 28-years later when the U.S. Supreme Court, in *Plessy v. Ferguson,*[8] upheld the harsh Jim Crow segregation laws of the South officially sanctioning African Americans as "second-class citizens." Hispanics, notably those of Mexican heritage, suffered the same faith as their black counterparts in the South. American Indians were not federally recognized as human beings (persons) until Standing Bear's habeas corpus appeal in 1879 and were not considered federal citizens until 1924 when Congress passed the U.S. Indian Citizenship Act. Even then several western states failed to enfranchise Indians residing within their boundaries being forced to do so in the 1970s. Asians suffered similar discrimination including the Chinese with the "Chinese Exclusion Act of 1882, a statute that stayed on the books until World War II when it was repealed in December 1943. Chinese-Americans only gaining U.S. citizen status, and 14th Amendment "due process rights," in 1898. Japanese were restricted entry into the USA under the 1907 "Gentlemen's Agreement" with anti-Japanese sentiments peaking in the early years of World War II with President Franklin D. Roosevelt's Executive Order 9066 that authorized the mass incarceration of some 120,000 West Coast Japanese citizens. These Japanese citizens were forcefully removed from their homes with only the belongings they could carry and placed in stark concentration camps maintained by the U.S. Army.[9]

Weaponizing the judicial system to exclude certain members of society (outsiders) has a long history in the United States where a double-standard prevails with laws enacted with the specific purpose of disenfranchising and punishing those designated as out-group members of society – most notably people of color (American Indians, Asian, blacks, non-Hispanics…); the handicapped; homosexual; or members of non-traditional Christian faiths. A recent judicial ploy designed to exclude Latin Americans and Mexicans seeking asylum in the United States is to criminalize attempted border crossings in the pursuit of this process. Blatant abuses of the adversarial judicial system constitute a form of Kangaroo justice; what the author coins – *Jim Crow Justice.* In essence, Jim Crow Justice is when there are deliberate

7 ACLU, AMENDMENT XIV Civil Rights, *The Constitution of the United States of America.* 2010, Washington, DC: American Civil liberties Union: www.aclu.org, pp. 28-29.

8 *Plessy v. Ferguson* 163 U.S. 537, 1896.

9 Sandra Taylor, "The Internment of Americans of Japanese Ancestry", in *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustices,* ed. Roy L. Brooks (New York: New York University Press, 1999); Laurence A. French and Magdaleno Manzanarez, *Borders and Immigration: The Geo-Politics of Marketplace Demands and Ethnic Relations* (Lanham, MD: Lexington Books/Rowman & Littlefield Publishing Group, 2019).

attempts to rig the system and use illegal and extra-legal processes in order to bring charges and convictions against intended out-group members. Institutionalized racism and the resulting Jim Crow justice system constituted de facto *judicial lynching* – the administration of a double-set of legal standards specifically designed to vilify those deemed inferior within society. In the United States this includes African-Americans, American Indians, non-white Hispanics, and Asians, while in Europe, with its Aryan elitism, the list of undesirables includes Jews, Serbs, Roma, and non-white immigrants. This process includes rigged juries that exclude members of the defendant's race, ethnic, religious, or social class in order to obtain a conviction, including death penalty cases in the United States. What follows is a description of how this process has evolved with American jurisprudence.

A major adaptation to the trial court system, both at the state and federal levels, stemmed from the 1972 *Furman v. Georgia* US Supreme Court case[10] that found capital punishment (aka *Death Sentence*) to be in violation of both the 8th and 14th Amendments especially for people of color. Conservative elements in the United States at that time, especially in the South where *Jim Crow* racial discrimination ran ramped for over a century following the U.S.'s Civil War, fought to reinstate the death penalty while other developed nations, including Canada, United Kingdom, and the European Union, discontinued this practice. In 1976, the U.S. Supreme Court, in response to appeals from Georgia, Texas, and Florida, reinstated the death penalty for states that wished to do so (28 in 2020) with the restriction that it could only be used for first degree murder convictions. Even then, they had to subscribe to a two-stage process, the first being the finding of guilt of first degree murder at the jury-trial level, followed by a second phase whereby the same jury would weight mitigating (life events) versus aggravating (*mens rea* intent) circumstances prior to a determination of a death sentence. If the mitigating circumstance were seen as being contributing factors, then a life-sentence would result in lieu of a death sentence. Within these parameters the death sentence was reintroduced in 1988 by President Ronald Reagan as part of his Anti-Drug Abuse Act of 1988. Consideration of mitigating circumstances was a major step in viewing individual behaviors within the larger social milieu from which they were socialized whereby acknowledging that individual acts, good or bad, do occur in a vacuum but rather are contingent upon the social process and environmental bias associated with the collectivity from which he/she was raised.

The United States expanded its jurisdictional authority to include quasi-international criminal enterprises in its *War on Drugs* campaign that began with the Richard M. Nixon administration (1969-1974) and continues to the present. In 1970, the U.S. Congress passed the *Racketeer Influenced and Corrupt Organizations* statutes known as RICO. This represented a major revision of the earlier Hobbs Act (Anti-Racketeering Act of 1934) as RICO is a key federal prosecutorial tool in combating drug and related crimes. It departs from the long-held double-standard the U.S. judiciary which puts white collar crimes in a special category where "cease and desist orders" are issued in lieu of official criminal charges, sparing indi-

10 *Furman v. Georgia* 408 U.S. 238, 345, 1972.

viduals from criminal liability while allowing the corporate state to be fined without having to admit to any wrongdoing. RICO allowed for criminal intent to be selectively added to the white collar venue for certain types of crimes. Obviously, RICO is not intended to upset the long-held practice of corporate cheating, graft, and fraud – a powerful political and economic foundation of American Capitalism. Nonetheless, RICO, in its selective administration, allows for individuals (usually Latin American "drug lords") to be criminally charged and their enterprise subject to stiff penalties, property forfeiture, divestiture and corporate dissolution and reorganization. As stated earlier, the federal death sentence was reintroduced as part of the expanded Anti-Drug Abuse Act of 1988 with the first execution under this provision authorized by President George W. Bush (2001-2009). With the reintroduction of the death penalty, the federal judiciary has deliberately tried death-qualifying cases in states which do not allow capital punishment essentially asserting its bias ostensibly for political effect (conservative versus liberal agendas).[11]

Given the divisiveness, racism, sectarianism, and political influences within America, the application of judicial ideals are a rarity. The adversarial model does not look for judicial balance as implied but focuses instead on retribution and not reconciliation. Extreme retribution in the USA is the death penalty and history has shown that it has been disproportionately used against minority populations, notably blacks, non-white Hispanics, and American Indians. Indeed, the largest official, public execution involved 38 Santee (Dakota) Sioux who were hanged on a single scaffold on December 26, 1862 with President Lincoln's consent. This action followed deliberate provocation by white settlers to starve and enrage the Sioux so that they would again be forced to forfeit lands (ethnic cleansing) for white settlements.[12]

Another blatant example of skewed adversarial justice is the emergence of the *Jim Crow* racism that prevailed in America's south following the "War-between-the-States" (U.S. Civil War), a system that continues to have ramifications in the 21st century. Specifically designed laws were enacted to both disenfranchise and punish black Americans and other peoples of color. North Carolina, the state with the largest death-row population at the time of *Furman v. Georgia, 1972,* illustrates this travesty of justice. North Carolina was also part of the Cherokee expulsion in 1838. Steiner and Brown[13], in their book *The North Carolina Chain Gang,* noted that prior to the U.S. Civil War there were no state prisons and all legal retribution was dispensed at the county (canton) or local level (towns, municipalities). Jails were used only as temporary holding facilities. Following the Civil War, the chain gang emerged as a method of quasi-slavery. Prisoners were placed in enclosed, barred wagons and transported from job to job. Shackles and chains as well as the whip and the sweat box were used as

11 Laurence A. French and Magdaleno Manzanarez, *NAFTA & Neocolonialism: Comparative Criminal, Human, & Social Justice* (Lanham, MD: University Press of America, 2004).

12 Laurence A. French, *Legislating Indian Country: Significant Milestones in Transforming Tribalism* (New York: Peter Lang, 2007), p. 56.

13 Jesse F. Steiner and Roy Brown, *The North Carolina Chain Gang* (Chapel Hill, NC: University of North Carolina Press, 1927).

methods of control and added punishment. This form of harsh punishment was mainly for misdemeanor offenses – a sentence that often resulted in death.

Barnes and Teeters[14] referred to the Southern chain gang as "the American Siberia," stating that they were not only discriminatory but manifested some of the cruelest punishment and inhumane treatment ever recorded in American penal history. Blacks made up the vast majority of offenders who were sentenced to the chain gang in North Carolina where on average, the county chain gang ratio was four blacks to one white inmate. Prior to the 1972 nation-wide death penalty moratorium, the North Carolina death penalty existed for four offenses: first degree murder; forcible rape; first degree arson; and first degree burglary. Most of the death sentences for offenses other than first degree murder were for black offenders. A parallel development was the lynching era in the South. According to Ginsburg's book, *100 Years of Lynching,*[15] most lynchings of blacks occurred following the end of the Civil War and continued until the Civil Rights movement of the 1960s.[16]

Extra-legal tricks employed by prosecutors include entrapment, agent provocateurs, plea-bargaining witnesses (turning state's evidence), and false charges and planted evidence, devices designed to severely tip the playing field in their favor and against targeted out-groups, most notably minorities of color – blacks, non-white Hispanics, American Indians, and Asians. Discriminatory justice masquerading as "real" justice has a long history in the illicit drug arena. The discriminatory nature of the *War on Drugs* is often traced to New York governor Nelson Rockefeller and his institution of harsh sentencing for drug-related offenses including mere possession for one's personal use. These laws, known as *The Rockefeller Drug Laws,* established mandatory minimum sentences of 15-years to life for possession of four ounces of narcotics, a sentence similar to that for second-degree murder. These laws set the stage for harsher penalties across the nation leading to America having the largest incarcerated population of any developed nation.

The problem with the drug laws was that while the majority of persons using or selling drugs are white, the harsh consequences of these laws were directed at African Americans and Hispanics. The vast majority of blacks and non-white Hispanics received the severest prison terms while white offenders often received more lenient sentences throughout the country in both state and federal jurisdictions. Convictions for "crack cocaine," used primarily by the less affluent and minorities, received far harsher sentences than for "powder cocaine" used by the affluent, notably whites, even when the amounts were equal. The differential between minority and white justice is illustrated by the fact that there is a double-set of laws where if white commits the offense, it is processed as a misdemeanor while people of color, and poor whites, are charged with a felony for the same offense leading to a disproportionate number,

14 Harry Barnes and Negley Teeters, *New Horizons in* Criminology, 3rd ed. (Englewood Cliffs, NJ: Prentice-Hall, 1959).

15 Ralph Ginzburg, *100 Years of Lynching* (New York: Lancer Book, 1962).

16 Laurence A. French, "Elitism: Perpetuation Through Incarceration," in *Blacks and Criminal Justice,* eds. Charles E. Owens and Jimmy Bell (Lexington, MA: Lexington Books/D.C. Heath and Company, 1977).

in both raw numbers and per capitia, of blacks, American Indians, and non-white Hispanics with a record of felony convictions.

Felons have been disenfranchised in many states and in federal jurisdictions until recent court challenges. As of 2013, 11 states denied felons the right to vote eliminating up to ten percent of the state's black population from voting. Changes are being sought during the "Black Lives Matter" campaign that addresses the high incident of unarmed blacks being executed by white police officers. Changes to these blatant, racially-based, injustices are slowly coming about. New York's laws were reformed in 2004 under Governor George Pataki, while, at the federal level, Congress passed a law in 2010 substantially lowering recommended sentences for those convicted of crack cocaine crimes. In June 2012, the U.S. Sentencing Commission made these new laws retroactive for those sentenced prior to these changes, a move that will affect some 12,000 federal prisoners. While efforts are currently underway to change this injustice some white conservative states are attempting to further delay felon's voting rights by imposing stiff fines and then making them ineligible to vote until they pay off these improbable fines. Furthermore, four conservative states, three in the old Jim Crow states (Arkansas, Georgia, South Carolina), and Wyoming still have not enacted "hate crime statutes" despite the national trend of other states and the federal government.

The public pressure to attempt to correct historical injustices toward poor and minority drug users does not extend to the so-called drug lords. This has led to a federal effort to capture more international, Latin American drug cartel leaders. While this media campaign scores political capital for the administration, it seldom has any lasting effect given that the demand for these illicit agents is as strong as ever. Arrest under the Foreign Narcotics Kingpin Designation Act involves a funding scheme whereby the United States pays local Mexican, Central American, South American officials for the arrest and deportation of cartel leaders. In order to do this, lower-level cartel members, usually the most dangerous ones, are paid to "turn state's evidence." These 'plea-bargain witnesses" are offered immunity or reduced charges in return for offering evidence that will justify the apprehension and extradition to the United States of the cartel's higher echelon. Oscar Martinez wrote of how this process operated in Central America in his book, *A History of Violence:*

> There was a regional summit here (Guatemala) and Secretary of State Clinton came down. She said that for every $3 we put in [in the fight against drug trafficking] they would put in $1. It's a bad joke, because in the end we're putting money that we could have used for education, health, many other things. The arrest of the Guatemalan barons isn't anything more than fear of the sword hanging over the state's head. It's more survival than it is strategy. The battle against drug trafficking in Guatemala is not a decision grounded in sovereign agency. It is a battle they are thrust into.[17]

17 Oscar Martinez, *A History of Violence,* trans. John B. Washington and Daniala Ugaz (London: Verso, 2016), p.165.

The race-based justice in the United States is evident in the current opioid crisis that has taken tens-of-thousands lives changing the drug user's profile from racial minorities to whites. Now monies are being poured into treatment and prevention while those accountable for this crisis, the big pharmaceutical companies, are given a pass – this despite clear evidence of premeditation on the parts of corporate leaders. Again, it's the double-standard of justice: one set of rules for minorities – harsh penalties and incarceration; and yet another set of rules for white-collar criminals – fines and "cease and desist orders" without the stigma of culpability.

4.3. The Restorative Justice Model

Restorative justice is akin to social justice in that it attempts to bring balance back into the community relevant to any individual social disruption. It differs from the adversarial model where individual culpability is paramount. Restorative justice instead focuses on the collectivity – the clan, family, society – as the corporate entity where infractions are resolved. Individual guilt is replaced with collective shame with a need for a larger social consensus on how to bring about a resolution that brings back balance to the larger social unit. Victim and offender are not minor issues in the larger restorative negotiations. Neither is the lasting stigma associated with these labels. It has its historic roots in homogenous societies where informal arbitrations predated written laws and statues. Restorative justice has seen resurgence in North American, notably among Native American groups in northern Mexico, Canada and the United States. This model emerged from the aboriginal Harmony Ethos – the antithesis of the Christian concept of *free will* and individual culpability.

The Native American aboriginal cooperative worldview has been coined – the *Harmony Ethos*. Where individual offenses were recognized and punished, ultimate responsibility for these offenses rested with the perpetrator's clan. Intergroup war and intragroup conflicts occurred during aboriginal, pre-Columbian times as they always have among human groups. Despite the complexities of clan obligations and tribal taboos the tribes of what now is now Canada and the United States maintained viable lifestyles and cultures prior to the advent of European colonialization. In subscribing to a harmonious worldview, conflict and competition were part of their cycle of maintaining both intra- and inter-group balance.

During these times the clan provided the basic group structure. Clan folkways were the basic control mechanism providing the members sharing a common linguistic and geographical region their psycho-cultural identity. Despite competition among clans within a linguistic group and conflict between tribes, a balance was maintained on the basis of the Harmony Ethos – values derived from the natural relationship existing between the earth (Mother) and the surrounding atmosphere, sun and moon (Father). The Particular values fostered by the Harmony Ethos had their roots in the group's creation myth which articulated the group's cultural values and behavioral expectations. These values evolve around twelve basic tenets:

- The avoidance of overt hostilities regarding interpersonal matters and an emphasis on nonaggression in intra-familial/clan/tribal interactions.
- The use of a neutral third person, or intermediary, for resolving personal altercations with the tribal community (avoidance of direct confrontations).
- A high value placed on independence (personal freedom to act as long as these actions conform to tribal folkways and do not violate sacred taboos).
- A resentment of authority (leaders command respect as against demanding subordination by forced authority).
- A general hesitancy to command others.
- Caution in interactions with others, especially strangers.
- A reluctance to refuse favors and an emphasis on generosity within the clan and tribe (the basis for *giveaways*).
- A reluctance to voice individual opinions publicly (the person's identity is seen as being part of a larger collective clan persona).
- Avoidance of eye and body contact when interacting with others.
- Emphasis placed on group cooperation and not on individual competition.
- Deference to elders: "old equals good, equals honor."
- Challenging life in the raw (exploring life firsthand for the sake of the experience – *Counting coup.*

The three largest Indian tribes in the United States, the Cherokee, the Navajo, and the Sioux represented two unique versions of aboriginal justice according to their harmony ethos model.

4.4. Cherokee Blood Vengeance

The Cherokee, of the Iroquoian linguistic group, was the largest southeastern tribe at the time of white contact. They were a horticultural culture much like their Muskhogean neighbors. Their permanent villages were spread over an area currently encompassing western North Carolina, north Georgia, east Tennessee, northeast Alabama, and portions of South Carolina. A major tenet of the aboriginal Cherokee culture was the need to cooperate with all living things in order to produce harmony. All animals were respected with special prayers offered when killed for fool, skins, and/or tools. Intra-group cooperation and harmony were promoted within and between the dozens of horticultural villages spanning this wide geographical area. Here, the seven clans provided the most prominent social structure and regulatory unit of Cherokee society. The Cherokee were matrilineal and matrilocal where women played a significant role. Of the dozens of villages scattered over this vast territory, seven

were "mother villages" representing the headquarters of that particular clan. Accordingly, each village had seven-sided "town house" with a section for each clan's members. The town house was where all tribal council matters were discussed and settled in a democratic fashion where all adult males and females were enfranchised equally.

However, *blood vengeance* was the norm for resolving serious transgressions, the most serious being the violation of marriage taboos and homicide. The clans played the major role in these matters. Violation of taboos was a clan matter and not necessarily a village or personal issue. Aboriginal Cherokee justice was based on clan blood vengeance where sometimes the death penalty was applicable. In these circumstances the honorable method of dying, a necessary outcome in order to restore harmony to your clan, was willing being killed in an intra-clan game of stickball (forerunner of today's lacrosse) played between the two clans involved in the altercation. Otherwise, the condemned offender was hunted down by the avenging clan and killed. If the offender was able to escape to a neutral village, one not involved in the altercation, undetected until the statute of limitations ended (one-year maximum) then his, and all other, offense(s) were forgiven at the time of the New Year purification ritual and annual rebirth for all Cherokees. This occurred during the Winter Solstice.

The newly established United States of America (USA), in its effort to civilize and *Christianize* the Cherokees, forced them to adopt the ways of their white southern neighbors. The irony is that while the blood vengeance concept of justice was alien to the British common law that dominated U.S. laws, the Cherokee also had to give up other traditions that were actually more liberal than the Euro-American model of justice allowed. They had to disenfranchise adult women, who had long held equal voting status to their male counterparts and also were expected to acquire black slaves in order to adhere to the U.S. model of civilization. Another concession forced upon the Cherokee was they were now compelled to open up their society to Christian missionaries. The Cherokees made these concessions in the hope of retaining their lands. They created a separate, yet parallel, cultural lifestyle similar to that of their white counterparts. In an attempt to preserve their own cultural identity, the Cherokee created their own syllabary in 1821 so that their language could be transcribed in print. Unfortunately, the seeds of destruction were being sowed as the Cherokee Nation emerged with the southern states disregarding the Cherokee Nation citing President Jefferson's promise to remove all the tribes to territory west of the Mississippi River, resulting the Removal Act of 1830 and the forced and deadly removal of these tribes, including the largest tribe, the Cherokee, to the newly acquired lands gained from the Louisiana Purchase in 1803. The last of the Cherokees were rounded up into stockades by the U.S. Army and forced marched to Indian Territory (Oklahoma) in the dead of winter in 1838, an infamous trek known as *The Trail of Tears.*

4.5. The aboriginal Navajo, an Athabasca Linguistic Tribe

The Navajo (Diné), the largest tribe in the United States, are of the Athabasca linguistic group like their cousins, the Apache, and many tribes from Alaska to the western coast of Canada, the USA, and northern Mexico. The Navajo subscribe to a form of the Harmony Ethos know as *The Beauty Way.* Aboriginal Navajo society was also organized by clans. There were four original clans which were also matrilineal. Following the aboriginal matrilineal format, Navajo were compelled to marry outside their clan, identifying themselves by their maternal clan (born to) and outside clan affiliation (born for). Traditional Navajo continue this practice. Another traditional Beauty Way practice was the use of respected elders to resolve disputes via the *peacemaker*. Peacemakers helped preserve ongoing relationships within the immediate family and extended clans. Here, the desired outcome of the peacemaking process was a consensus and the restoration of harmony within and between clans, which, in turn served to preserve the entire Navajo culture and society. Most significantly, the labels of "victim" and "offender" were avoided by this process. Elements of this pre-Columbian Harmony Ethos exist today on the vast Navajo Nation (some 25,000 square miles located in three states: Arizona, Utah, and New Mexico).

The Navajo Nation initiated a contemporary version of the Peacekeepers in 1982 when it reintroduced the Navajo Peacemaker Court. The desired outcome was to the restoration of balance among individuals, families, and the larger community which was lacking with the imposition of the U.S. justice model long imposed on Indian Country by the U.S. Department of Justice and the Federal Bureau of Investigation (FBI) and U.S, Marshals. Today, the Peacemaker Court exist alongside the US-imposed Federal District Court system and its original jurisdiction throughout Indian Country which represents over 500 separate federally-recognized entities of which the Navajo Nation is the largest.

Hence, the Navajo Peacemaker Court is currently used to resolve seemingly minor disputes like domestic disputes, problems between neighbors, substance abuse, minor property damage, minor sexual abuse issues, and other misdemeanor-type offense; a far cry from its aboriginal mandate that included all levels of offenses. A major departure from the original Peacekeeper Court is that it's needs to be supervised by the Federal District Court which appoints the peacemakers (native judges); a process once determined by the clans involved in the dispute. However, the peacemaker judges selected need to be recognized as respected members of the community and need to be a-political. Moreover, like the aboriginal model, peacekeeper judges are selected on a case-by-case basis and do not hold a termed position per se. Another factor obstructing the implementation of a pure form of the aboriginal Peacemaker Court is the fact that the Navajo are no longer a single homogenous people. In aboriginal times, the Navajo (Dine) were a homogenous society with a single belief system void of the numerous Christian-based religions and the Native American Church (peyote cult), all competing with the traditional Beauty Way. Another departure from the aboriginal practice is

that in addition to not stigmatizing those involved as either offenders or plaintiffs, no formal records were kept. The hearings were situational dealing with the problem at hand with the proceedings forgotten once harmony was restored. In its current application on the Navajo Nation, records are kept by the U.S. District Court even if they do not lend themselves to case law setting precedence for future cases.[18]

4.6. Harmony Virtues of the Siouan Warrior Society

The Sioux migrated onto the Great Plains; of what is now the United States and Canada, hundreds of years prior to white contact, occupying a region from the Missouri River to the Black Hills of South Dakota. The Plains Sioux were nomadic warrior-oriented societies relying on hunting and raiding for their subsistence. White contact introduced the horse to the plains tribes greatly increasing their mobility for both hunting the buffalo and for fighting their enemies. The Plains Sioux were divided into three basic linguistic subgroups, the Dakota, Nakota, and the Lakota. The bands held annual summer pow wow gatherings within the sacred grounds of the Black Hills. Certain unique tribal rituals associated with the Sioux are: the "peace pipe," with its red pipestone bowl representing Mother Earth; the Sun Dance; Sweat Lodge; Vision Quest; and Counting Coup.

The Siouan version of the Harmony Ethos consisted of four virtues based on the tenet that "good outweighs evil." Here, good signifies intra-group harmony and cooperation where the virtues of bravery, fortitude, generosity, and wisdom are practices:

- *Bravery:* This is the most important Siouan virtue for both men and women. It involves self-sacrifice. Counting coup, dog soldiering (standing alone in the presence of the enemy), and the Sun Dance illustrate this virtue.
- *Fortitude:* This virtue specifies how to be brave and how to behave. Included here are a complex set of rules governing public behavior along with sanctions and taboos.
- *Generosity:* The "giveaway" is the primary vehicle for generosity. Sioux accumulated material wealth so that it could be distributed within the group in a ritual that brought high status and recognition to the benefactor. Inheritance was unheard of among the aboriginal bands, with any surviving personal property being buried, or burned, along with the deceased. The giveaway was an institutional form of Sioux generosity whereby the more a person gave away, the greater was their prestige within the band and tribe. This guaranteed for the welfare of the sick, handicapped, and feeble, those otherwise likely to be abandoned by a mobile society.

18 Laurence A. French, *Native American Justice* (Chicago, IL: Burnham, 2003).

- *Wisdom:* This virtue is acquired through experiencing life firsthand. Life experiences, augmented by spirituality, were the components of this elusive virtue. Wisdom came with age and experience. Among the requirements were successful participation in the major Siouan rituals (Sacred Sweats, Vision Quest, Sun Dance…) requited for warrior status and childbearing and family and community roles for women. The ultimate status associated with wisdom, for both men and women was that of *Elder.*

Plains Siouan society was based on a seven sacred ceremonies: Purification, Vision Seeking, Sun Dance, Ball Throwing, Making a Buffalo Woman, Making as Brothers, and Owning a Ghost. Of these, the Sun Dance is the major vehicle for a warrior to gain power and discipline from the Great Spirit (Wakan Tanka) and to become successful in the progression of life on earth. Four Sun Dances were/are required for full warrior status for men. The Pipe and sweat ceremonies, along with the Vision Quest, have been adopted by many contemporary Native American groups providing the foundations of the Pan-Indian movement established during the 1960s.[19]

The Sioux, like the Cherokees earlier, played a significant role in the transformation from tribal clan justice to that of the United States system of criminal justice. For 79-years (1804-1883) federal law enforcement among the tribes (Indian Country) was aimed at white/Indian offenders committing crimes in these protected enclaves. Intra-tribal matters were still adjudicated according to tribal traditions. The U.S. Marshals, as officers of the federal courts, were responsible for maintain law and order throughout the United States, including Indian Country. Among the duties of the western marshals was policing the vast territory obtained under the Louisiana Purchase, including all the Indian tribes. Here, the U.S. Marshal and his deputies, supported by the U.S. Army, held the primary duty of enforcing federal laws, as well as acting as officers of the federal courts.

In 1883, the U.S. Courts of Indian Offenses were established along with a Code of Indian Offenses designed to prohibit American Indian traditional ceremonial activities throughout Indian Country, notably traditional customs, dances, and plural marriages. These Courts also adjudicated minor offenses in Indian Country already defined by the sectarian Federal Enclaves and Assimilative Crimes Acts (imposition of Christian values). The strength of the Courts of Indian Offenses was challenged in 1881 with a case involving intra-tribal justice – the Crow Dog case. The Crow Dog case also reflected the highly charged anti-Indian furor emanation from the 1876 U.S. Army defeat at the Little Big Horn where Lt. Col. Custer was defeated by the forces of Crazy Horse and Sitting Bull.

The Crow Dog case was sensational in that it involved the killing of a federally-sponsored Sioux leader, Spotted Tail, by a popular former tribal police officer. Both Spotted Tail and Crow Dog were vying for leadership positions within the new Rosebud agency (South Dakota) that was carved out of the once promised (by treaty) Great Sioux Reservation, a

19 French, *Legislating Indian Country: Significant Milestones in Transforming Tribalism*.

concession won previously by Red Cloud following his defeat of the U.S. Army – the only such success during the long Indian Wars of the 1800s (1862-1892). The altercation between Spotted Tail and Crow Dog was a domestic one. Spotted Tail was seen as attempting to entice Light-in-the-Lodge away from her disabled elderly husband, while Crow Dog took it upon himself to right this wrong. On August 5, 1881, the 47-year-old Crow Dog shot 58-year-old Spotted Tail on a tribal road. Given that this was seen as an intra-tribal matter, it was presumed exempt from federal or territorial jurisdiction under the existing Federal Enclaves/General Crimes Act regulating Indian Country, the dispute was resolved in a traditional fashion ironed out by the respective clans with Crow Dog's clan compensating Spotted Tail's clan with a restitution of $600, eight horses, and a blanket.

The death of Spotted Tail, a federally-favored "progressive" tribal leader, did not sit well with either territorial or federal, namely the U.S. Army, officials. Thus, under the orders of the Indian Agent, Crow Dog was arrested and jailed at Fort Niobrara in Nebraska awaiting a federal trial. At his trial, Crow Dog, a traditionalist, was portrayed as a bad Indian like his colleagues, Crazy Horse and Sitting Bull and was found guilty of murder by an all-white male jury. He was subsequently sentenced to be executed by hanging by Federal Judge G.C. Moody. In his appeal, the First Judicial District Court of Dakotas upheld Crow Dog's death sentence. Interestingly, Judge G.C. Moody presided over both the jury trial and the appeal process. The case was then appealed to the U.S. Supreme Court and in its December 17, 1883 decision, *Ex Parte Crow Dog,* the high court supported Crow Dog's petition vacating his death sentence. The U.S. Supreme Court agreed with Crow Dog's contention that there were no federal laws relevant to his case and the District Court did not have jurisdiction in internal tribal cases.[20]

The high court alluded to the fact that the U.S. Congress was responsible for enacting laws in Indian Country and that no such statutes were in existence that addressed Indian to Indian matters. The U.S. Congress responded to the *Crow Dog* decision by passing the *Major Crimes Act of 1885*. This represented a significant encroachment on tribal authority, providing overlapping jurisdiction with the Federal Enclaves Act by extending federal jurisdiction to all offenders in Indian Country. U.S. Marshals could now arrest Indians and non-Indians alike for major offenses in Indian Country, bringing their cases before Federal District Courts. The Major Crimes Act articulated seven original felonies within federal jurisdiction which includes all federal lands including federally-recognized tribes. The original seven major crimes, aka *Index Crimes,* were murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny. Eventually, the Index Crimes was expanded to 13 offenses with carnal knowledge of any female, not his wife, not yet 16 (statutory rape); assault with the intent to commit rape; incest; assault with a dangerous weapon; assault resulting in serious bodily injury; and robbery. Once established as a federal law enforcement agency in the early 20th century (1908), the Federal Bureau of Investigation joined the U.S. Marshals in policing federal lands, most notably the 574 entities comprising Indian Country.[21]

20 *Ex Parte Crow Dog,* Supreme Court of the United States, 1883, 109 U.S., 556, 3S.Ct. 396, 27 L. Ed, p. 1030.

21 *Major Crimes Act,* U.S. Statutes at Large, 23L: 385 (18 USC 1153 –March 1, 1885); Laurence A. French, *Policing American Indians: A Unique Chapter in American Jurisprudence* (Baco Raton, FL: CRC Press/Taylor & Francis Group, 2016).

5. International Justice

The contemporary foundation of international justice dates back to the aftermath of World War I and the establishment of the *League of Nations*. The League of Nations was the first world body that attempted to address the pitfalls of colonialism. Prominent world leaders, Jan Smuts, Lord Robert Cecil, Leon Bourgeois, and the U.S. President Wilson, were involved in its development. While President Wilson provided the basic philosophical foundation for the League with his "Fourteen Points," the US Congress failed to ratify the League eliminating U.S. involvement and influence. In Item V, Wilson addressed the colonial issue by suggesting an impartial adjustment of all colonial claims with a balance established weighting the interests of the colonized population vis-à-vis the economic/political interests of the colonizing nation.

In order to guarantee equity within this process, Articles of the League's Covenant including the establishment of a World Court. Article 21, in an obvious concession to the United States, provided protection for regional colonialism under America's dual pillars of white supremacy and hemispheric dominance – *Manifest Destiny* and the *Monroe Doctrine* while Article 22 established "Mandatories" that would oversee the development of autonomous and/or semi-autonomous states from the defeated Turkish Ottoman Empire as well as for territories in Central Africa, South-west Africa, and the South Pacific Islands. Article 23 provided for the foundation of human justice, a movement that continued with the League successor, the United Nations (UN) when it was established in 1946. Here, the League attempted to establish fair and humane working conditions for men, women, and children as well as addressing the trafficking in women and children and the international drug trade, issues that remain prominent in the 21st Century.

Shocked by the carnage of tens-of-millions of peoples, many non-combatants, the United Nations charter was yet another attempt to put the festering discontent that fostered both World Wars aside in order to better resolve geo-political disputes, allowing for nations to air their grievances before resorting to armed conflicts. It can be argued that its peacekeeping role is credited in keeping the Korean conflict of 1950 from erupting into World War III. Another critical role of the UN was to preserve the integrity of its charter and subsequent member states. Yugoslavia was a charter member. It was initiated as the Federal People's Republic of Yugoslavia in 1945 and continued its charter as the Socialist Federal Republic of Yugoslavia in 1963 until the country's breakup in 1992. Hence it held "full member" status for over 47 years (October 24, 1945 – September 22, 1992.

Following in the UN footsteps, European members sought their own geo-political union so as to better resolve economic and social issues. This new international economic-based coalition was established as the Single European Act of 1986 in conjunction with the Treaty of European Union and the Amsterdam Treaty. The newly created European Union (EU) created its own parliament, bill of rights, court system, flag, anthem, and monetary unit (the

Euro). The European Union afforded all member states EU citizenship. Its original charter included the major contestants in the bloody Second World War – Germany, Italy, and the United Kingdom, adding former Soviet-block East European nations. Ostensibly, these once former enemies were willing to forget the millions killed by each other's forces forty-years earlier. Something, the member states comprising the former Yugoslavia cannot seem to accomplish.[22]

Another carry-over from the League of Nations to its successor was the International Court. The International Court of Justice (ICJ) replaced the defunct Leagues' international court in 1946 when it became the major judicial organ of the UN situated at the Peace Palace in The Hague, Netherlands. Its structure and function remained much the same as under the League providing both judicial and advisory findings. The 15 permanent judges serve nine-year terms with only one judge of each nationality. Ideally, the judges are considered to be independent magistrates representing the interest of the UN and not that of the government of their country. While public hearings are held, the Court deliberates in camera delivering its judgment in public. The Court's findings are final and without appeal. Failure to comply with the Court's findings is addressed by the UN Security Council and can involve sanctions and even expulsion. In 1982, the International Court of Justice established a Chamber of Summary Procedure while in 1993 the ICJ created a seven-member Chamber to address environmental cases within the Court's jurisdiction.[23]

The U.S.-dominated Nuremberg and International Military Tribunal for the Far East (IMTFE) set the stage for the subsequent ad hoc International Criminal Tribunals of the 1990s for Yugoslavia and Rwanda. The *Nuremberg Trials* for the defeated Nazi regime and the *International Military Tribunal for the Far East* for the vanquished Japanese Empire were conducted with a very narrow adversarial jurisdictional mandate with the major focus on aggravating circumstances and minor attention given to mitigating circumstances, including the alibi defense. Here, reconciliation and amnesty were not viable factors in these adjudications. They were designed to be highly visible, public, and punitive in order to not only appease the victims of the conflict but also to justify any enforced major societal changes like those put forth by the U.S. Marshal Plan and the U.S. sole occupation of Japan despite the contributions of other Allies. While modification to sentences did occur via a more secretive appeals process, these changes were not readily disseminated like the original sentences. These early IMT were presented as being fair when, in fact, they were *Jim Crow Courts* with inherent bias and a clear mandate of vindictive justice. These tribunals set the stage for subsequent investigations by the International Court of Justice (ICJ) investigating human rights abuses including those occurring during the Balkan Wars, Sierra Leone, and Rwanda.

22 Laurence A. French and Magdaleno Manzanarez, *NAFTA & Neocolonialism: Comparative Criminal, Human, & Social Justice* (Lanham, MD: University Press of America, 2004).

23 Manley Ottmer Hudson, *The World Court 1921-1934: A Handbook of the Permanent Court of International Justice* (Boston: World Peace Foundation, 1934); *The United States and the World Court,* Washington DC, U.S. Department of State, Bureau of Public Affairs, Office of Public Communication, 1985; "USSD" United States State Department, 1985.

America forged the judicial agenda for both the Nuremberg Trials and the IMTFE. At the war's end Prime Minister Winston Churchill and many among the Americans, notably, Henry Morgenthau, Jr., the U.S. Secretary of the Treasury, advocated for the quick summary execution of the surrendered Nazi leaders. U.S. Secretary of War, Henry Stimson, along with Joseph Stalin adamantly opposed this plan stating that it would be as if the victors were hiding something from the public which was completely obsessed by the war from 1939 to 1945:

> Ironically it was the American secretary of war, the elderly Republican Henry Stimson, who vehemently opposed Morgenthau's plan. He found an unexpected ally in the Soviet dictator Joseph Stalin, who had told Winston Churchill that if the leading Nazi were summarily executed the world would say that their enemies had been afraid to put them on trial and had put them to death to silence them. Stimson added that to deny the defendants due process would be to risk making them martyrs in the eyes of the people, which is exactly what had happened after the British had executed the leaders of the 1916 Easter Rising in Ireland. Stimson recalled that the citizens of Dublin had initially jeered at the plotters for the destruction they had brought upon their capital city, but that their mood had altered after the British authorities had ordered the rebel leaders to be shot without trial.[24]

Stimson and colleagues within the U.S. War Department put together a tribunal format for the proposed trials which President Roosevelt accepted in early October 1944. Russia and France were on aboard with Churchill still holding out for summary executions. Following Roosevelt's death, President Truman was finally able to get the British on board. Truman then appointed U.S. Supreme Court Associate Justice Robert H. Jackson as the Chief Prosecutor for the Nuremberg Trials. The major criminal indictment was that Hitler and the Nazi regime represented a criminal regime:

> …that Hitler and the Nazi leaders were effectively a criminal regime who had been engaged in a conspiracy to wage war and enslave the populations of the territories they conquered. Their intention was to round up and murder the Jews, along with countless other political enemies and 'undesirables.' The Nazi could therefore be indicted as war criminals and their atrocities could be categorized as Crimes Against Humanity.[25]

In an attempt to appease a reluctant Britain, the U.S. allowed Lord Justice Sir Geoffrey Lawrence to hold top billing among the nine judge/jurors and the United Kingdom's Attorney General Sir Hartley Shawcross to hold the top position among the four Chief Prosecutors. Yet, there was little doubt that the United States dominated the entire process under the guidance of U.S. Supreme Court Associate Justice Robert H. Jackson. Among the U.S. rules was

24 Paul Roland, *The Nuremberg Trials: The Nazis and Their Crimes Against Humanity* (New York: Chartwell Books, 2010), p. 21.

25 Roland, *The Nuremberg Trials: The Nazis and Their Crimes Against Humanity*, p. 21.

to try people in absentia. It was the U.S.A. that put forth the "criminal enterprise" concept allowing for the adjudication of non-combatants who played supportive role in industry and finance. Jackson also attempted to try people through association, proxy adjudications, a process popular in the United States at the time during the Jim Crow era. Here, Jackson attempted to have Alfried Krupp be tried in lieu of his father. Fortunately, these extra-legal maneuvers were deemed inappropriate at the time, although MacArthur used them during the International Military Tribunal for the Far East (IMTFE) proceedings. The United States, under Jackson direction, also setup the rules of evidence within the Charter of the International Military Tribunal to include the use of what would constitute clearly inadmissible evidence under the American "due process" model. Article 19 stated that the IMT is not bound by technical rules of evidence allowing anything they felt was of probative value while Article 21 allowed anything the court felt strengthened its case regardless of collaboration as to its worth or value. Moreover, the defense was not given discovery status to challenge the evidence and the defendants were not allowed to appeal or to challenge the makeup of the jury (judges). The diminished rights of the accused were presented by the Americans as a variation of French adjudication, hence justified within this hybrid system.[26]

Another concept allowed by the Nuremberg Trials was that of "soldiers' justice" where the killing of surrendering POWs by Allies, notably American, soldiers was deemed justifiable due to the fact that they were overwhelmed by emotions. Specifically, this pertained to the killing of surrendering guards at the concentration death camps. The indictments were for conspiracy to commit crimes against the peace; waging wars of aggression and other crimes against the peace; participating in War Crimes; and Crimes against Humanity. Twenty-four of the major Nazi leadership headlined the indictments while another 200 German war crimes defendants were tried in other Nuremberg tribunals and some 1,600 others were tried under traditional military courts. Significantly, the Nuremberg International Military Tribunal noted that it did not have jurisdiction over crimes that took place prior to the outbreak of the European war on September 1, 1939. General MacArthur violated this mandate in the IMTFE with the adjudication of retired General Iwane Matsui.

The Nuremburg Trials, presented another exception to military accountability with the case surrounding the *Malmedy Massacre* where surrendered US soldiers, among others, were killed by SS Panzer Corps during the Battle of the Bulge. In the Malmedy Massacre, German Colonel Jochen Peiper led his Panzer tank unit in the Battle of the Bulge and captured prisoners, both Belgian civilians and American GI's, who surrendered as POW's only to be disarmed and nearly 800 were summarily executed. In his defense, Peiper's alibi was that he did not have the time or resources to attend to such a large contingent of POWs during the heat of battle. Although not necessarily premeditated, the action occurred during what was termed, *the fog of war,* a desperate action in order to save one's own personnel.

26 Richard J. Terrill, "France", in *World Criminal Justice Systems: A Survey,* 5th ed. (Cincinnati, OH: Anderson Publishing Company, 2003).

This corresponds with the civil judicial concept of *the heat of passion.* Another precipitating factor was Hitler's supposed order to retaliate against Allied forces for the death of thousands of civilian due to Allied bombings of German cities. While 73 German soldiers, including Peiper, were convicted at the Nuremburg War Tribunal, many, including Peiper, were sentenced to hang, but eventually his sentence was commuted, first to 35-years in 1954, then to time served in 1956 having served 11.5 years total. This retro-perspective process went through numerous stages with strong US influence – the same party that has influenced the anti-Serb Bosnian War narrative, or at best, stood silent while others perpetrated this false narrative.

Taking the lead from the Nuremberg Trials, the United States initiated the International Military Tribunal for the Far East (IMTFE). Following Japan's unconditional surrender, General Douglas MacArthur, in his capacity as Supreme Commander of the Allied Powers, ordered the arrest of 39 members of General Hideki Tojo's war cabinet. Later, on January 19, 1946 he unilaterally issued a proclamation ordering the establishment of the International Military Tribunal for the Far East along with the charter which established the Rules and Procedure of the IMTFE, which convened on April 29, 1946 and adjourned on November 12, 1948. The trials were held in the War Ministry Office in Tokyo. The charges brought against the defendants were similar to those adjudicated at the Nuremberg Trials: Crimes against peace; conventional war crimes; and crimes against humanity. Like at Nuremberg, "Class A" offenses (crimes against peace) were only leveled at the top Japanese echelon while Class B and C charges could be tried in subsequent tribunals. Unlike the Nuremberg Trials, only Class A offenses were heard by the IMTFE.

The judges for the IMTFE were elected from eleven counties that comprised the American-led Allies: Australia, Canada, China, France, India, the Netherlands, New Zealand, the Philippines, the Soviet Union, the United Kingdom, and the United States, which also provided the Chief Prosecutor, Joseph B. Keenan, an Assistant Attorney General of the United States and Director of the Criminal Division of the U.S. Department of Justice. There were no Japanese among the "judge jury." Japanese and Americans comprised the "defense council." The American due process adversarial model was not used in the IMTFE process. Instead, the Tribunal, like its predecessor, the Nuremberg Trials, relied on the "best evidence rule" based on the "doctrine of command responsibility" which did not require the level of proof within U.S. criminal proceedings. Prosecutors needed only to present evidence that substantiated three charges: (1) that war crimes were systematic or widespread; (2) that the leaders knew that their troops were committing atrocities; and (3) the leaders had the authority and resources to end these atrocities. Evidence could include anything, including unsubstantiated and unsworn material that the Tribunal deemed to have probative value and not "beyond a reasonable doubt" – the standard used at the Nuremberg Trials. In the end, six of the 39 suspects, were found guilty of Class A offenses. The verdict resulted in death by hanging: Kenji Doihara; Koki Hirota; Seishiro Itagaki; Heitaro Kimura; Akira Muto; and Hifeki Tojo.

Only one defendant, General Iwane Matsui, received the death sentence for Class B & C offenses – war crimes and crimes against humanity. All were executed on December 23, 1948 at Sugamo Prison. Unlike their condemned German counterparts, MacArthur, in an attempt to not rile up the Japanese populace, did not allow any public photos of these executions.[27]

The significance of the execution of Iwane Matsui is that it addresses two major issues. One is the use of the IMTFE to include events that predated the Second World War, the Nanking Massacre, and two, the use of the Tribunal as a vehicle of revenge. Iwane Matsui first retired in 1935 following a distinguished career in the Japanese military including the first and second Russo-Japanese Wars. He was called back into service in 1937 to command the Shanghai Expeditionary Force (SEF) by Emperor Hirohito. Nearly age 60 and infirm, Lieutenant General Asaka Yasuhiko, uncle of Emperor Hirohito, was appointed commander of the SEF with General Matsui given the figurehead status of being in charge of the Central China Area Army. The atrocities occurred under General Yasuhiko despite General Matsui's written directive to: "…protect and patronize Chinese officials and people, as far as possible." Due to his illness, General Matsui reverted back to this retirement status in 1938. The IMTFE ignored Matsui's alibi defense executing him at age 70.[28]

Clearly, the Matsui trial was in defiance of the legal limits established by the Nuremberg trials by extending the jurisdiction to events prior to the Japanese declaration of war. This action is seen as part of MacArthur's scheme to protect the Japanese Emperor Hirohito and his family from culpability, notably Prince Yasuhiko Asaka, Prince Fushimi Hiroyasu, Prince Higashikuni, and Prince Takeda. Prince Asaka, Emperor Hirohito's uncle, was the Lieutenant General-in-charge of the Shanghai Expeditionary Force (SEF) during the Nanking Massacre while General Matsui was nominally in charge of the larger Central China Area Army (CCAA). Scholars later noted that MacArthur did everything in his powers to protect the Emperor knowing that this would facilitate his duties as proconsul of Japan and aid in forging its new constitution which takes it out of its long medieval past elevating women to full-status; allowing labor unions, land reform and civil liberties.[29] Nonetheless, he grossly abused his powers exonerating those who he felt would enhance his new realm in occupied Japan while knowingly conspiring to punish his perceived "enemies." William Manchester, in his book on Douglas MacArthur, *American Caesar*, noted that while MacArthur administered a skewed method of justice that resulted in the release of all surviving Japanese prisoners by 1958 (making the longest sentence a mere ten years); he also took the opportunity to apply his form of Jim Crow justice to his Japanese nemesis who occupied the Philippines during the war:

27 UVA, *International Military Tribunal for the Far East* (Charlottesville, VA: University of Virginia School of Law, 2020), archives@law.virginia.edu.

28 Higashinakano Shudo. *The Nanking Massacre: Fact Versus Fiction.* Tokyo (Japan: Sekai Shuppan, 2005).

29 Herbert P. Bix, *Hiroh*ito *and the making of modern Japan* (New York, NY: HarperCollins, 2000); John W. Dower, *Embracing Defeat: Japan in the wake of World War II* (New York: W.W. Norton, 1999).

> The other, darker side, which Suzuki [Nipponese foreign minister] tactfully ignored, was Homma and Yamashita – MacArthur's chief adversaries – were tried and convicted by kangaroo courts which flouted justice with the Supreme Commander's approval and probably at his urging. The court-martials were held in the ornate reception hall of Manila's high commissioner's residence, under the eyes of Filipinos still enraged by the savaging of their capital. The tribunals consisted, not of lawyers, but of regular army officers who were answerable to the five-star general in Tokyo. …He had drawn up the charges. He repeatedly goaded them to move swiftly. And he had established the rules of evidence, such as they were. …Hearsay, double hearsay, and even triple hearsay based on conjecture were admissible as proof; so was extremely prejudicial material. When defense attorneys tried to discuss SCAP directives governing the proceedings, they were reprimanded and forbidden to mention MacArthur's name in the courtroom. …Both he [Homma] and Yamashita were found guilty on the ground that they had held "command responsibility".[30]

On MacArthur's orders, both men were stripped of their military status before being hanged. Despite this miscarriage of justice, MacArthur's status in the United States swayed the U.S. Supreme Court to uphold the verdicts and sentence despite many calling it a legalized lynching. Keep in mind that Jim Crow justice and lynching were prominent in America at this time. "Due process" and other U.S. Constitutional guarantees were for the privileged white elite; not those labeled "undesirables" or "outsiders." Justice Jackson alluded to the Nazi scheme of undesirables qualified for extermination in its extreme plan for eugenics – Jews, Roma, Serbs…. In a special "remembrance" of World War II, the largest U.S. veterans organization, *The American Legion* listed the Nazi death tolls:

- 42,000 estimated numbers of camps and ghettos through Europe.
- 6 million Jews
- 5.7 million Soviet civilians
- 3 million non-Jewish Soviet POWs
- 300,000 Serb citizens
- 259,000 Roma (gypsies)
- 250,000 people with disabilities, living in institutions
- 100,000+ Jehovah's Witnesses, homosexuals and German political opponents.[31]

30 William Manchester, *American Caesar: Douglas MacArthur 1880-1964* (Boston, MA: Little, Brown and Company, 1978), p. 485.

31 American Legion, "Remembrance: What the Allies Found", *The American Legion: The Magazine for a strong America* 188, no. 4 (2020), p. 46.

5.1. The Victor's Bias

Part of the problem with post-conflict adjudication, even by the UN, is the bias against the "losing" group. Some have viewed the "Nuremberg" and the "International Military Tribunal for the Far East" trials as anti-Axis and pro Allies. Neither RAF nor USA leaders were charged with firebombing German cities or the USA for firebombing Tokyo or dropping the atomic bombs – resulting in hundreds of thousands of civilian deaths. Hence, it is neither the nature of the incident nor the proportionality of the incident, per se, that warrants the extreme stigma associated with an event as much as it is the collective reflective bias of those adjudicating the events.

H. Bruce Franklin, in his work, *Crash Course: From the good war to the Forever War,* noted that early in the Second World War, the Americans were quick to condemn air attacks that indiscriminately killed and maimed both combatants and civilians:

> But on September 1, 1939, that day when the Nazi invasion of Poland brought World War II to Europe, President Franklin D. Roosevelt denounced the bombing of cities as "inhuman barbarism" and sent an "urgent appeal to every Government which may be engaged in hostilities publicly to affirm its determination that its armed forces shall in no event, and under no circumstances, undertake the bombardment from the air of civilian populations." Alluding to the air raids by Italy, Japan, and Germany in Ethiopia, China, and Spain, he declared, "The ruthless bombing from the air of civilians in unfortified centers of population during the course of hostilities which have raged in several quarters of the early during the past few years, which has resulted in the maiming and in the death of thousands of defenseless men, women and children, has sickened the hearts of every civilized man and woman, and has profoundly shocked the conscience of humanity".[32]

Months following this public declaration, the USA embarked on its secret atomic bomb experiment. But more devastating than the atomic bombing of Hiroshima and Nagasaki in 1945 was the deliberate firebombing of civilian populations:

> The incendiary bombing of the cities of Japan made it blatantly clear that "strategic bombing" was really the terror bombing of civilian populations… Some historians lay all the blame on Air Force general Curtis LeMay. …But LeMay did not originate the strategy of cremating Japanese cities and the people who lived there. He merely carried it out – with extraordinary zeal and frightening efficiency. …Napalm was developed by American scientists specifically with the goal of creating unquenchable, self-sustaining firestorms in the cities of Japan, especially in the working-class districts, with their dense concentrations of wooden homes. …A city's "crowded districts of highly inflammable houses offered" – as the official history of the Army Air Forces explains – an "ideal incendiary target."[33]

32 H. Bruce Franklin, *Crash Course: From the good war to the Forever War* (New Brunswick, NJ: Rutgers University Press, 2018), p. 5.

33 Franklin, *Crash Course: From the good war to the Forever War*, p. 31.

Because of this highly controversial policy by the US Military, air attacks of Chinese cities by Japanese Imperial Forces or the attack on Pearl Harbor on December 11, 1941 were conspicuously omitted from judicial review in the IMTFE hence adding fuel to the obvious judicial attribution bias of the IMTs.

The flawed International Military Tribunals (IMT), that America dominated, led to the establishment of the International Law Commission by the UN General Assembly in 1950 that established the Nuremberg Principles alluded to earlier, and subsequently, a permanent International Criminal Court (ICC).

The ICC accepts two types of cases, legal disputes between member states and requests for advisory opinions on legal questions referred to it by the United Nations and specialized agencies. Only entities that recognize the ICC have standing before it. Member states have no permanent representation with the ICC and need to register their inquiry to The Hague via their Minister for Foreign Affairs or their ambassador. The ICC can establish *ad hoc* tribunals like that of the International Criminal Tribunal for Yugoslavia (ICTY: 1993-2017) and the International Criminal Tribunal for Rwanda (ICTR: 1995-2015). The ICC relies on international treaties and conventions; international customs; and international case law and statutes in its proceedings. Advisory proceedings before the Court are restricted to agencies affiliated with the United Nations. These findings are advisory and not binding per se. The weight of these findings is based on the authority and prestige of the ICC itself.

Two post-World War II events changed the nature of international justice – (1) the ad hoc International Military Tribunals (IMT) – The Nuremberg Trials of the Nazi (November 20, 1945 – April 13, 1949) and (2) the International Military Tribunal for the Far East (IMT-FE) – and the creation of the European Union with the Single European Act of 1986. Both events ultimately influence the administration of the ad hoc *International Criminal Tribunal for Yugoslavia* (ICTY) and the *International Criminal Tribunal for Rwanda* (ICTR). Subsequently, the International Court of Justice, the carryover from the League of Nations, became the International Criminal Court (ICC). The Rome Statute of the International Criminal Court led to the establishment of the ICC in 2002 as a permanent international court. Having played a major role in the establishment of the international courts adjudication process in the post-WWII IMTs and the Clinton administration's (1993-2001) prominent role in the Bosnian and Kosovo wars, President Clinton signed the Rome Statute in 2000 as a token measure while not submitting it for needed Senate ratification.

Clinton's successor, President George W. Bush (2001-2009), flatly refused to join the ICC mainly due to abuses of Iraqi POWs during the Second Gulf War. The Obama administration (2009-2017) merely signed on with "observer" status. In 2002, the U.S. Bush administration withdrew from supporting the International Criminal Court even though President Clinton signed the U.S. up in 2000. U.S. support was crucial for the ICTY adjudication of war crimes during the Balkan Wars, however, deliberate violations of the Geneva Convention

and UN proscriptions against torture and illegal detentions associated with the wars in Iraq and Afghanistan set the stage for the U.S. exit from international justice jurisdiction.

Nonetheless, the U.S.A. continues to provide foreign judges to BiH for the adjudication of war crimes and the training of judges & prosecutors: [Overseas Prosecutorial Development, Assistance and Training – OPDAT). Ironically, having forged the judiciary rules for IMTs, including the deliberate omission of "due process" provisions, the United States cited the lack of due process for defendants before the ICC, including jury trials, the admission of hearsay evidence, speedy and public trials and reasonable bail. Maybe the USA should also admit to its dismay that the ICC does not include the death penalty like many states and the federal judiciary.

5.2. Fallacies Inherent in the Adversarial Justice Model

This process is inherently biased in that it forces complex human factors into a game-like "win/lose" scenario based on rules that are often skewed by intervening variables, including socio-cultural, sectarian, and geo-political influences. Moreover, this forced-choice model does little to ultimately resolve conflicts, notably those surrounding civil wars, in that the judicial outcome merely enhances the polar extremes between those judicially-labeled "winners" and "losers" adding to the reciprocal negative stigma and hostility each group collectively feels towards each other. This is the antithesis of reconciliation. These inter-group, intra-societal hostilities are further exacerbated when there are accusations of genocide. Genocide is a term that provokes unforgivable hatred and hostility toward the group so labeled. It fosters unhealthy "Victimization status" for those perceived as being wronged and life-long "offender" status for those convicted within these *Jim Crow Adversarial* systems like the ICTs.

The social justice protocol offers a venue for assessing the "fairness" of any judicial process, including the adversarial model by comparing the statutes (procedural justice) per se against their application (distributive justice) across the board. This assessment looks to see if there is a single set of laws designed for everyone based on the tenet that "no one is above the law;" and if, in fact, these laws are carried out relatively absent of serious judicial attribution biases. The post-World War Two (WWII), American dominated, International Military Tribunals showed how these judicial venues can be manipulated to present themselves publically as being fair while clandestinely adhering to a set of pre-trial biases that manifest the "victor's biases." Moreover, despite the tens-of-millions of lives lost, with the exception of the token executions resulting from either IMT, none of the thousands of those convicted by this Jim Crow justice process served longer than ten-years of their sentence. Compare the death count of WWII and the resulting judgments with the biased ICTY prosecutions and judgments and sentences and it is clear that the latter is more prejudicial and vindictive.

Srebrenica, more than any other term, has come to symbolize, demonize, and label the Serbs as a people as being genocidal, a narrative that has been well nurtured and promoted by those parties who want to either misdirect their involvement in the Third Balkan Wars or who have a hidden agenda for *Bosnia-Arabia.* While only coined in 1947 following the Second World War, it is as a term used to describe the horrors of the Nazi Holocaust. Genocide has joined the lexicon of mass terror placing it far above the exiting terminology of massacres and other *crimes against humanity.* It has also been used retroactively to describe past incidents of attempts at extinguishing human groups and cultures with the latter connoting, *cultural genocide.*

Its original roots lie in the Nuremburg War Tribunal assembled by the victorious Allies to try Nazi officials. Once coined, "genocide" quickly took on the mantle of extreme, seemingly irresolvable, inter-group divisions with one group attempting to demonize the other in order to maintain rigid lines of stratification and animus. In the United States, genocide was used to demonize those attempting to end the Jim Crow segregation in the South during the turbulent Civil Rights Era of the 1950's and 1960's. Ross Barnet, the racist governor of Mississippi openly rejecting the U.S. Supreme Court's order in September 1962 to desegregate the University of Mississippi and to allow James Meredith as the first Black student. Ross's remarked, "We will not drink from the cup of genocide." This cry of genocide of the White race by 'people of color' has energized White Supremacists radicals in both the United States of America and throughout Europe contributing to a cross-Atlantic force of xenophobia bigotry and anti-Semitism often referred to as *Neo-Nazism.*

6. The Stigma of a Genocide Charge and Its Contaminating Latent Functions

The "complicity" in genocide vs. "aiding & abetting" genocide is a critical distinction – one that lends itself to the alibi defense. Daniel Greenfield noted that a person involved in facilitating the commission of genocide differs from someone whose rhetoric may be complicit in genocide but was not actually involved. The issues here are influence and personal responsibility. Part of the problem here is the larger significance of a genocide conviction – in that it tends to stigmatize the entire population (ethnic, sectarian) associated with the convicted leader – further fuelling inter-group hostilities. Clearly, genocide is an emotionally (inflammatory) charged term – one associated with the attempted extermination of Jews, Roma, Serbs and other religious or ethnic groups denigrated by the Nazi during the 1930s and 1940s.

6.1. Judicial Attribution Bias

The fundamental attribution error (bias) is the tendency for people to attribute (over-value) individual factors for positive outcomes for themselves or members of their group (in-group); while at the same time attributing (over-valuing) situational (external) factors in members of their group's failures hence diminishing personal or intentional causes. By the same token the in-group tends to over emphasise (attribute) external factors when looking at successes by members of the out-group and; attributing direct responsibility for failures of negative outcomes – ignoring or diminishing mitigating or aggravating causal factors such as the fog of war or retaliatory or pre-emptive actions during times of conflict. It is an emotional function of the human sympathetic nervous system that influences judgments made by the cerebral cortex in evaluating complex issues that tend to challenge the group's norms and values.

Any judicial process that is stacked against a particular class (race, religion, sex/gender, socio-economic status…) without its adequate representation, either among judges/juries or defense council, follows the American Jim Crow system of discriminatory justice associated with legal Lynching. This is a major fallacy of one-sided justice worldwide. Justice, per se, is presented as being on a level, horizontal field when, in fact, it is often a vertical process involving social stratification. Social stratification, that involving a hierarchy of social statuses, is present among all race/ethnic groups often manifesting in the form of ethno-nationalism/sectarianism allowing for intra-racial discrimination. Within this scenario, those in power at any given time, deliberately or inadvertently discriminate against those members they consider to be "lesser" citizens. Broad racial classifications, like Asian; American Indian; Africans, including American blacks; and Hispanics, all subscribe to some form of intra-group hierarchical strata of preferable status.

Institutionalized racism incorporates legal Lynching as a tool for maintaining elitist and privileged status within the society. This process creates a self-fulfilling prophecy where everyone in the society, regardless of race/ethnic or class standing, knows which peoples are preferred and which are not. The myth of a "separate –but equal" society, legally sanctioned in 1896 (*Plessy v. Ferguson)* by the United States Supreme Court, justifying the ensuing era of Jim Crow segregation, including extra-legal executions of African-Americans, was finally reversed 58-years later by the Court in *Brown v. Board of Education*.[34] A note black attorney and future U.S. Supreme Court Associate Justice, Thurgood Marshall and two black psychologists, Dr. Kenneth and Dr. Mamie Clark, demonstrated the effect of the elitist caste system in America by asking both black and white pre-public children to select the doll they admired most (from a choice of a black or white doll). A significant number of the children, regardless of race, selected the desired white doll.[35] This study presented to the U.S. Supreme Court clearly demonstrated the latent, and obviously desired, effect of a system of discriminated

34 *Brown v. Board of Education,* 347 U.S. 483, 1954.
35 Kenneth B. Clark, *Dark Ghetto: Dilemmas of Social Power* (New York: Harper & Row, 1965).

(Jim Crow) justice, one that deliberately provided better resources for the privileged white elite while, at the same time, purposefully keeping people-of-color at a severe disadvantage and then attributing their failure as being due to their inherent racial inferiority. The ensuing race and anti-war riots of the 1960s brought about the Civil Rights Acts of 1964 and 1965 but even this did little to end the plaque of institutional racism in America or the double-standard of justice as is evident by the current "Black Lives Matter" campaign against the killing of unarmed, and often restrained, blacks at the hands of white police.

White supremacy, due to its historical colonial experience, has emerged on the top of the inter-group hierarchy. But even among Caucasians, there is intra-racial stratification – one that presented itself in the 20th century in the form of the eugenics movement that was predominate in both American and European societies. Nazism took eugenics too far by accelerating the genetic cleansing process through its death camps. Nonetheless, the end of WWII and the so-called justice doled out by the IMTs did not end the Aryan elitism that fueled these atrocities. Anti-Jew, anti-Muslim, anti-African and Middle-easterner, anti-Roma, and anti-Serb sentiments have not only survived to the present but are becoming more openly expressed throughout the world, including within the European Council and European Union. Just like black Americans, Serbs are unlikely to get a fair trial regardless of the "esteemed" judiciary (ICT, ICC…).

6.2. ICTY Indictments

All the major players in the Balkan Wars of 1991-2002, sans those in Slovenia, were implicated or indicted for war crimes.

a) ICTY amnesty exception clause

The amnesty exception clause of the December 1995 Dayton Peace Accord allows for the adjudication of "serious violators of international law" setting the stage for the trials at The Hague – the ICTY which to date has implicated all the major "ultra nationalist" leaders emerging from the breakup of Yugoslavia and the resulting wars from 1991 to 2002:

- Franjo Tuđman* War-time leader of Croatia (Catholics);
- Alija Izetbegović* War-time leader of Bosnia-Herzegovina (BiH) Bosniaks (Muslims);
- Ejup Ganić Acting President of BiH (Bosniak);
- Slobodan Milošević* War-time leader of the Republic of Yugoslavia (Serbs);
- Radovan Karadžić War-time leader of the Republic of Srpska (RS) (Serbs);
- Ramush Haradinaj War-time leader of the KLA in war in Kosovo (Albanians).

*deceased.

Unfortunately, within the "either-or," "good guy-bad guy" adversarial adjudication process a clear picture of proportionately is sadly missing with those convicted taking the burden of blame while other participants are, often unjustly, exonerated. This process obviates the tenets of equal and fair justice. Ideally, *procedural,* de jure justice is based on the premise of equal justice under the law. Within the adversarial justice model, *distributive,* or actual justice, is often heavily biased as many contend the ICTY was. A major problem with the adversarial process was the continued attempt by the U.S.-designated "winners" to continue with their attempts to both expand the "genocidal" classification to include events beyond Srebernica and to use the term to demonize all Serbs. This scenario was played out in a couple of ICC cases.

b)ICJ 1999 Summary of Croatia v. Yugoslavia

On July 2, 1999, a little over three months since the NATO operation against Serbia, Croatia filed an application before the International Court of Justice against the Federal Republic of Yugoslavia (FRY) relevant to claims of "Crime of Genocide" under Article IX of the Convention with the summary Memorial filed on March 1, 2001. The Court requested modification to the original charge given that these questions regarding Yugoslavia's standing before the Court, and, later, the fact that the status of the FRY changes again with Montenegro's independence – leaving only Serbia as the ultimate defendant in the case. Below is the "Overview of the Case – Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia):"

> The Court delivered its judgment on 3 February 2015. The Court first considered the scope of its jurisdiction, which, in its view, was founded exclusively on Article IX of the Genocide Convention. Recalling that , in its judgment of 18 November 2008, it had found that it had jurisdiction over events which took place after 27 April 1992 (the date when the FRY became party, by succession, to the Genocide Convention) and noting that the Parties were in disagreement on a number of questions relating to events which took place prior to that date, the Court considered that, since it would need to decide those questions in order to determine whether Serbia was responsible for violations of the Convention, it had jurisdiction to entertain Croatia's claim in its entirety.
>
> The Court then turned to the merits of the Parties' claims. It recalled that, under the terms of the 1948 Convention, the crime of genocide contains two constituent elements. The first is the physical element, namely the acts perpetrated (which are set out in Article II and include, in particular, killings members of the group (subpara. (a)) and causing serious bodily or mental harm to members of the group (subpara. (b)). The second is the mental element, namely the intent to destroy, in whole or in part, a national ethnical, racial or religious group as such. Regarding Croatia's claim, the Court considered that, in the regions of Eastern Slavonia, Western Slavonia, Banovina/Banija, Kordun, Lika and Dalmatia, the JNA and Serb forces had committed acts falling under subparagraphs (a) and (b) of Article II. Taking the view, however, that it had not been established that the acts reflected a genocidal intent, the Court found that Croatia had not proved that genocide or other violations of the Convention had been

committed. It accordingly dismissed the claim in its entirety. Regarding Serbia's counter-claim, which was found to be admissible, the Court concluded that, during and after Operation "Storm", Croatian forces had perpetrated acts falling within paragraphs (a) and (b) of Articled II. Considering, however, that genocidal intent had not been demonstrated, the Court found that neither genocide nor other violations of the Convention had been proved. It accordingly rejected the counter-claim in its entirety.

Interestingly, the International Court of Justice rendered it decision of February 3rd, 2015 14-years after Croatia began its application for European Union membership, which it gained on July 1, 2013. Equally compelling is the fact that Croatia filed its complaint before the ICJ three-months following the North Atlantic Treaty Organization (NATO) US-led attack on Serbia which began on March 24, 1999 raising questions about the timing and intent of this action. Regardless of the Court's decision, Croatia's application can be viewed as another attempt to demonize the Serbs for the 1991-1995 war and providing judicial justification for the 1991 NATO attacks. At any rate, Croatia was rewarded with full NATO membership on April 2009.

c) ICJ 2007 Summary of BiH v. Serbia and Montenegro

In 2006, Bosnia and Herzegovina again attempted to broaden the genocide stigma associated with the Srebrenica massacre to include Serbs residing in what remained of the former Yugoslavia (FRY) – Serbia and Montenegro – in order to sue for reparations. Montenegro had to be eliminated as a plaintiff due to its independence and subsequent membership in the United Nations. These circumstances rendered the Republic of Serbia as the sole Respondent in the suit. The ICJ, in its February 2007 judgment, denied the charges of genocide or any grounds for reparation. Regarding the charge of genocide at Srebrenica, the ICJ noted:

> The Court is, however, not convinced, on the basis of the evidence before it, that it has been conclusively established that the massive killings of members of the protected group were committed with the specific intent (dolus specialis) on the part of the perpetrators to destroy, in whole or part, the group as such. The killings outlined above may amount to war crimes and crimes against humanity, but the Court has no jurisdiction to determine whether this is so.
>
> …The Court notes that this argument (plan to commit genocide throughout the territory) of the Applicant (FBiH) moves from the intent of higher authority, whether within the VRS or the Republika Srpska, or at the level of the Government of the Respondent itself. Having examined, in context, the Decision on Strategic Goals issued in May 1992 by Momcilo Krajisnik as the President of the National Assembly of Republika Srpska, which in the Applicant's view approaches an official statement of an overall plan, the Court does not see the 1992 Strategic Goals as establishing the specific intent.
>
> …The Court therefore finds that the acts of genocide at Srebrenica cannot be attributed to the Respondent as having been committed by its organs or by persons or entities wholly dependent upon it, and thus do not on this basis entail the Respondent's international responsibility.[36]

36 ICJ, 26 February 2007, www.icj-icj.org.

7. Contemporary Scene

Twenty-four years following the so-called *Srebrenica Genocide* it has become an anti-Serb rallying cry with a mass-media blitz surrounding the July 11th anniversary of the Srebrenica incident with *Facebook* items such as *never forget-never forgive Srebrenica.* Clearly, this decision reflects the adjudicative bias of Western societies in scapegoating Radovan Karadžić, in particular, and Serbs, in general, for all the horrors perpetrated during the 1991-2002. Third Balkan Wars. Its latent function being to exonerate all others involved in the conflict and to validate the USA-European narrative of culpability widely portrayed in movies and other media sources.

Interestingly, leaders in both Croatia and in the Federation of Bosnia-Herzegovina lauded this decision adding to the prevailing mythical narrative that the Balkan Wars were perpetuated by Serbs against defenseless Croats and Bosniaks who were merely attempting to protect themselves against this horrid aggressor. This massive misrepresentation of the Third Balkan Wars of 1991-2002 needs to be reconsidered by an International Restorative Justice panel focusing not only on war-crime incidents themselves, but also outcomes of similar incidents committed by other warring parties other than the Serbs. Moreover, a realistic definition of *genocide* needs to be put forth, one that is linked to the horrors of the Holocaust. Clearly, any use of genocide needs to have a corresponding manifesto mandating the extermination of an entire political, social, cultural, racial, or ethnic population, including men, women, and children like that proposed by Hitler's *Final Solution*. If, as in the case of the ICTY decision to single out one individual, Radovan Karadžić, and charge him with genocide, per se, then there needs to be documentation to justify linking him to Hitler's Final Solution and the ensuing Holocaust. In doing so, aggravating circumstances need to be clearly articulated, such as the Nazi Croat death camps where tens-of-thousands of Jews, Serbs, Roma, and dissident Croats perished during World War II and whose leaders obviated legal retribution via the Nuremburg process.

While the five-judge UN Court of Appeals was hearing Radovan Karadžić's appeal in 2019, an International Scientific Conference was held in the Republic Srpska in April. The conclusions of this conference were titled – *Srebrenica – Reality and Manipulation* with the proceedings of the 49 contributions promulgated as the 'Proceedings of the International Scientific Conference becoming available in September, 2019. Some of the salient points offered in my view, though no main consensus was concluded, are as followed:

I. All the indictments listed by the UN Court of Appeals of which Radovan Karadžić is accused of genocide need to be compared with similar charges leveled against others – Croats, Bosniaks, Slovenes… - with a comparison of judgment.

II. Mens rea, or criminal intent, needs to be established independent of ethnic or sectarian status of the alleged offender, that is, all similar charges need to be determined, and compared, by the indictment of which they are alleged to have occurred…e.g. poor conditions of concentration camps, ethnic killings of civilians, rape, torture, ethnic cleansing, treatment of POWs….

III. A thorough and full investigation of deliberate provocation, including fabricating deadly events like market bombings and firing on the enemy from civilian, UN and other protective areas, for the purpose of not only aggravating enemy fire on these areas, but also for the purpose of media, financial, and political gains that play into the "us poor victims" narrative.

IV. As in the Nuremburg War Tribunal's Malmedy Massacre Trial outcome, *mitigating circumstance* during the "heat of battle" and "fog of war" need to be gleaned from premeditated mandates such as Hitler's *Final Solution* or Ante Pavelić's *Legal Order of Races – Legal Order of the Protection of Aryan Blood.* In the mitigating case, the killing of hundreds of thousands of German civilians by Allies firebombing major cities, or, in the Srebrenica case, the fear of abuses like those that occurred during World War II in the Nazi-Ustasa death camps collectively known as Jasenovac. Here it is important to realize that the collective emotional toll of intense combat can provoke rash decisions that, at the time, seem necessary in order to prevent further on-going killings. The distinction is that these are often impulsive acts and not part of a planned manifesto such as the one that directed the Nazi Holocaust. If Joachim Peiper feared releasing American GI's to fight them another day or the Belgian civilians who he suspected aided them, then, it can be similarly argued, that Radovan Karadzic, knowing that the Bosniak military was hiding and regrouping within safe areas to attack Serbs civilians, then a similar argument can be made for the massacre, not genocide, of these potential combatants.

8. The Restorative (Social) Justice Model

Restorative justice has reconciliation as its primary goal – a major departure from the vindictive, punitive, retributive, and stigmatizing focus of the adversarial judicial process. The aboriginal model presented a historical perspective while the South African and Canadian reconciliation processes are contemporary examples. In essence, a restorative/reconciliation assessment of the Bosnian-Herzegovina war (1991-1995) in particular, and the larger Third Balkan War (1991-2002) should involve an independent academic/legal assessment based on the ABC clinical model where "A" signifies looking at antecedents or contravening variables leading "B," the behavior in question (3rd Balkan Wars), and "C", the subsequent

consequences of "B" – the Dayton Accord; ICTY; and the ICJ/ICC. Toward this end, the focus needs to be on the "charges" per se instead of individual indictments along with the inherent bias associated with selective prosecutory adjudications.

The focus of the "restorative social justice" model is to look at the events deemed criminal; to assess the judicial proceedings relevant to the administration of justice (procedural versus distributive); and to lay out the sequence of events that occurred (ABC model) so that a factual portrayal can be ascertained – one that can then be disseminated without political, racial, or sectarian biases. Geo-political, race/ethnic, and/or sectarian biases are greatly reduced by focusing on the indictable events per se and not solely on individual defendants. This offers a better assessment of legal ethics, something solely absent during many adversarial contests. Moreover, the outcome of a restorative social justice proceeding is not recrimination or exoneration but a presentation of all relevant facts including the shared horrors of war, especially civil wars. It also extends the investigation to external (proxy) forces that deliberately benefitted by the conflict often by directly or indirectly exacerbating factors that tended to prolong its duration. Foremost, any viable restorative social justice endeavors need to include all parties constituting the former Yugoslavia, including Slovenia, Macedonia, and Montenegro, as well as Croatia, Bosnia-Herzegovina, and Serbia and its semi-autonomous regions – Kosovo and Vojvodina.

The first step is a comprehensive assessment of the ICTY indictments and their adjudication relevant to the stated violations of international laws (procedural justice) and their outcomes (distributive justice). This includes the nature and extent of testimony, quality of testimony, proportion of convictions, and fairness of sentences. This is critical for the "genocidal" indictments: ethnic cleansing; sieges, killing of civilians, internment, sexual assaults….

Secondly, the restorative social justice panel needs to look at mitigating and aggravating circumstances including the role that ethno-nationalism and sectarianism played in fostering angst and fueling hate among the populace. This needs to include unfinished business regarding the Nazi Croat death camps from World War II and how Tito and the Allies may have deliberately glossed over these events under the false pretense of "bringing the people together;" not adequately understanding the lasting effects of its epigenetic consequences for further generations.

Thirdly, an equally critical consideration that needs to be fully explored and exposed is which outside parties benefitted from the Third Balkan Wars – monetarily, militarily, and politically. An important element here is the role of NATO (e.g. USA) in maintaining these divisions for geo-political benefit).

The end result of a comprehensive restorative social justice proceeding is to provide a bias-freed factual presentation of the events leading to the conflict, how the conflict played out, and the nature of the adjudication of these events including contemporary events. Ideally,

international legal ethics call for a fair assessment of these events, if not for a more accurate text-book presentation for future generations. And given current criticisms of geo-political biases leveled at certain United Nations and international commissions and NGOs, a neural office of fact finders needs to be established to counter the sometimes biased influence of major organizations, like Doctors Without Borders (MSF) and Doctors of the World (MDM), Post-Conflict Research Center, Organization for Security and Cooperation in Europe (OSCE), and the European Forum for Restorative Justice, and others, which often flaunt their self-described neutrality to maintain the negative narrative of a "bad guy" versus the "good guy" outcomes of the obvious ICTY and ICC Jim Crow justice and legal lynching of Serbs and the exoneration of the Croats, Slovenians, Kosovians, Bosniaks, Macedonians…. This challenge is critical today as portions of Europe are again enforcing the Nazi-era Aryan white supremacy model and tending toward ethno-sectarian-nationalism and authoritarian-ism. Armed conflicts are not well organized spectator sports with clear winners and losers. They are complicated events with lasting psychological implications for all survivors. These are not rational events where clear intent can be established among its players.

Appendices

Appendix 1

Recommendations from 2016 Fulbright Specialist Report[37]

Clearly, restorative social justice can only be approached once the past has been adequately, and accurately, portrayed and placed within its proper geo-historical-political perspective(s). Only then can long festering animosities and distrust be dissolved. Current "victim" and "offender" labels need to be diminished so that healing can occur.

Scoggins Berg's paper, *Prerequisite for Peace* written as part of his graduate degree at the University of London, Centre for Development, Environment and Policy (CeDEP), School of Oriental and African Studies (SOAS) with three recommendations:

(1) The international community, UN/EU/USA, must acknowledge and show proper respect to victims and families of Jasenovac Death Camp. Practically speaking, the EU/UN/USA must implement action steps that include the addressing of historical transgenerational trauma in their social sustainability policy for BiH.

(2) In addition to policy amendments, the Truth and Reconciliation Commission, established by the UN International Court Tribunal for former Yugoslavia, must extend its truth-telling process earlier than the 1990's war to include the WWII Jasenovac Death Camp. Tina Rosenberg, author of *The Haunted Land: Facing Europe's Ghosts After Communism,* explains,

> "Muslims and Serbs in Bosnia have developed completely different recollection of their common past. If they are not corrected through mechanisms such as an independent truth commission, then selective memories are handed down from generation to generation" (Huyse, 2003, p. 26).

(1) Lastly, Croat and Muslim political and religious leaders should publicly acknowledge and apologize on behalf of the Croat Ustashi for their role in Jasenovac Death Camp. Ideally, Pope Francis would lead the way in this apology as he has done on behalf of Catholics in other settings. [382]

- There needs to be an impartial, international review of the ICTY process, discerning obvious biases toward any of the accused.

37 [1] Laurence A. French, *Toward a Model of Restorative Social Justice in Bosnia-Herzegovina* (Banja Luka: University of Banja Luka Press, 2018), 33-40.

38 [2] Scoggins Berg, *An Analysis of Bosnian-Serb Historical Trauma* (London, England: University of London, 2015), 33-34. Center for Development, Environment and Policy (CeDEP), School of Oriental and African Studies (SOAS).

- There needs to be a critical, unbiased, non-sectarian presentation of the rich, and often complex, history of the region most notably the antecedents leading to the conflicts of 1991-1995 and 1999-2002. This, in turn, needs to become part of a secular (non-sectarian) secondary school curriculum taught in ***all*** high schools in BiH without exception. Furthermore, a national exam on this critical topic needs to developed and administered to all students pursuing a high school diploma (passing at a certain cutting score in order to obtain the high school diploma). A more stringent course of study needs to be part of professional training especially for law enforcement, military officers, judges and prosecutors; again, passing at a prescribed score to obtain their degree, certification of license. The author noted the current situation in research he conducted with Bosnian and Serb colleagues, citing the 2009 Rose-Roth assessment of education in BiH and its neighboring states:

> The NATO Parliamentary Assembly's 70th Rose-Roth Seminar was held in Sarajevo in March 2009 at the invitation of the Parliamentary Assembly of Bosnia and Herzegovina in order to discuss security, political, and economic challenges in Bosnia and Herzegovina and the Western Balkans. It was noted that rising unemployment and budgetary pressures in the region have contributed to continued social and political unrest. Indeed, increased sectarianism has slowed EU and NATO-sponsored reforms with all sides resisting making essential compromises needed to advance key reforms. Sectarian leaders continue to exploit deeply held fears and pervasive ethnic mistrust slowing the pace of political change.
>
> An outcome of this process is that the young people have acquired an even more provincial and narrow outlook than that of their parents. Part of this problem is that the schools in Bosnia and Herzegovina are now almost exclusively segregated along sectarian lines with each sect promoting its skewed version of the Balkan wars of 1991-2001. There was a cry for the establishment of a "truth and reconciliation committee" in Bosnia to overcome these sectarian biased perspectives of the history of the Balkan Wars. It was also noted that Serbia needs to address the plight of its national minorities as well – Hungarians, Albanians, Bosniaks, Croats, Czechs, Germans and, Roma.
>
> The Rose-Roth report stated that in Serbia, as in Bosnia, there has been a tendency to segregate schools where before the Balkan Wars they were multi-ethnic. Non-Governmental Organization (NGO) are attempting to draft new Slavic-language history books characteristic of a broader, more complex analysis of the Balkan Wars to replace the current nationalistic versions but they are finding considerable resistance to these efforts in all the breakaway countries of the Former Yugoslavia including both Bosnia-Herzegovina and Serbia.[393]

- The BiH army needs to be formulated in a similar fashion as the post-WWII Japanese self-defense force, but with overall NATO oversight. Its membership should be representative of the ethnic composition of BiH itself and with a majority of service personnel serving within either FBiH or RS representing their respec-

39 [3] NATO Parliamentary Assemble. *70th Rose-Roth Seminar.* Sarajevo, BiH, 2009.

tive ethnic groups. Bosniaks/Croats should not represent the majority of forces stationed within the RS and neither should Serbs dominate the force stationed in the Federation. Along similar lines, Catholic Croat Bosnians should be the predominant force within their respective cantons.

- The Constitution needs to reflect equality among all ethnic/sectarian citizens and not just favor Muslims, Catholics, or Orthodox Bosnians. An inherent bias seems to already favor Bosniaks as the Constitutional Court is described in the Dayton Peace Agreement:

• *Constitutional Court of BiH jurisdiction:*

(a) The Constitutional Court has the exclusive jurisdiction to decide any dispute under the Constitution that arises between the Entities (FBiH, RS, BD), or between BiH and the Entities, or between institutions within BiH including sovereignty and territorial integrity issues or whether any provisions of the Entity's constitution or laws are compliant with the BiH Constitution.

(b) The Constitutional Court of BiH also serves as the appellate court over issues arising out of judgment of any other court in BiH.

(c) The Constitutional Court of BiH also has jurisdiction over all questions relevant to the BiH Constitution; the European Convention for Human Rights and Fundamental Freedoms and its Protocols; with laws of BiH; or concerns pertaining to the general rule of pubic international law.

• *The Courts decisions are final & binding.*

This last condition needs to be modified so that a higher European-based court, such as the European Court of Human Rights, can serve as an international appeals review court.

The author noted a significant challenge emerging from the Dayton Peace Agreement Constitution:

> While the new BiH Constitution allowed for strong entity governments in addition to the statewide government, where members of the three major sectarian/ethnic groups were enfranchised, other minorities were listed in the new Constitution as "*others*" and consequently disenfranchised relevant to elective positions. Suits by a Bosnian Roma and a Bosnian Jew were filed before the European Court of Human rights in 2006. The cases were consolidated as presented as *The Case of Sejdic & Finci v. BiH.* The case against BiH was presented to the European Court of Human Rights in July and August 2006 under Article 34 of the Convention and Fundamental Freedoms ("the Convention"). Here, the applicants

complained of their ineligibility to stand for election to the "House of Peoples" and the "Presidency of Bosnia and Herzegovina" on the ground of their Roma and/or Jewish origin. BiH was a party to the European Court of Human Rights by virtue of its 2002 membership in the Council of Europe, making it eligible for review by the European Commission for Democracy. In this regard, the Parliamentary Assembly of the Council of Europe reminded BiH that it needed to adopt a new constitution ending discrimination against "*others.*"

The European Court of Human Rights ruled in the petitioner's favor in 2009 essentially ordering BiH to revise its Dayton Constitution. In not doing so, the Court's ruling found BiH in violation of its 2008 "Stabilization and Association Agreement" (SAA) with the European Union (EU) – a major condition for full recognition in the EU. Toward this end, a SAA requirement is for BiH to amend electoral legislation regarding members of BiH Presidency and House of Peoples to ensure full compliance with the European Convention of Human Rights. For a semblance of fair and equal justice, Constitutional protections need to be applicable to all citizens of BiH without allowing for one constituent group dominating the others.

- Border management and monetary standards need to be adopted so as to better reflect those standards that once existed during a unified Yugoslavia. Given the rapid road improvements since the Balkan wars, a Schengen-type agreement needs to be implemented so as to fast-track the member states that once belonged to Yugoslavia – while, at the same time, providing border protection as to adequately filter out illegal activities including human trafficking and other forms of illicit trafficking. The Euro should be established as an acceptable currency throughout the former Yugoslavia even if it is not the dominant currency like it is in Slovenia and Croatia. This would entertain more cross-border interactions and commerce.
- Annex 7 of the Dayton Peace Agreement: *Rights of Refugees and Displaced Persons* - while laudable as an ideal toward restorative social justice, is, in itself, not practical mainly due to the reciprocal atrocities committed by all parties during the 1991-1995 conflict. Many who attempted to return "freely" to their homes of origin found them often occupied by their former enemies in the war, or if they were able to return, found that they were unwelcomed. Indeed, the European Commission's 2015, Commission Staff Working Document found that the Sarajevo Declaration Process is not adequate mainly because BiH is not compliant with the EU Common Positions on the integrity of the Rome Statute or EU principles on bilateral immunity agreements. Clearly, a quick claim process needs to be implemented so that displaced persons, especially those not likely to be

welcomed back to their former homes, receive adequate and just compensation without prolonged delays. Many of these victims of *ethnic cleansing* are forced into impoverished lifestyles because of these often politically motivated delays or due to outright corruption.

It appears suitable to cite a recent major United States ethnic cleansing displacement case given the major role the USA played in bringing about the Dayton Peace Agreement. For the first 200 years of its existence, the United States of America was involved in the process of removing the indigenous American Indian population from lands coveted by whites. This process of ethnic cleansing included the removal of American Indians from their vast land holdings in what is now the state of Maine. In an 8-year (1972-1980) protracted law suit, an American Indian legal institute, the Native American Rights Fund (NARF) successfully argued the case for the Penobscot Nation and Passamamaquoddy Tribes. However, the 12 million acres constitution most of northern Maine could not be returned to the Indian tribes since white settlers have long been residing there so an adequate monetary settlement was made instead – that of $81.5 million dollars. A similar process needs to be in place for **all** the displaced peoples of BiH and not just those promoted as ***victims.*** Lastly, victims/survivors need to form integrated (ethnic/sectarian) groups so that they can all be equally validated for their sufferings. Women, in particular, would benefit from a gender-specific, integrated therapeutic group structure.

Appendix 2

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Acronym List

Acronym	Definition
CCAA	Central China Area Army
EU	European Union
FBI	Federal Bureau of Investigation
FRY	Federal Republic of Yugoslavia
ICC	International Criminal Court
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IMTFE	International Military Tribunal for the Far East
IMT	International Military Tribunals
NATO	North Atlantic Treaty Organization
OPDAT	Overseas Prosecutorial Development, Assistance and Training
OSCE	Organization for Security and Cooperation in Europe
POW	Prisoner of war
RICO	Racketeer Influenced and Corrupt Organizations
SEF	Shanghai Expeditionary Force
UN	United Nations
USA	United States of America

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CHAPTER X

Guiseppe Zaccaria
The Role of Media

Summary

Each profession has a set of rules that govern it. In journalism, the most important of these rules – the first commandment - is objectivity, listening to the other side. A journalist should follow this rule in every circumstance. And a journalist must, above all, stay out of a story. The public expects facts, not assumptions nor hearsay. When reading media reports of war in former socialist Yugoslavia, the most common impression for us was that this war was one of the most misrepresented wars in recent media history. One must ask: why? So this is what we asked. That was the reason why we started this search for answers to so many questions.

The second subchapter offers some of the historical and political background necessary to establish the context in which the media catered to the public interest. In that subchapter we present first-hand testimony about those events and people essential for understanding what really happened. To avoid any mistake in thinking, here we must stress that all of this "media evidence" came from journalists, editors, publicists, soldiers, and staffers from powerful state administrations who had no sympathy for Serbs. But not all of them could withstand the burden of the truth and those stubborn facts that always find their way out. In spite of this, however, some might say that is not enough to come to any conclusions or to get closer to the truth. That is why, after all going through the huge amount of material that passed through our hands, we set out to test the "facts".

We then present the core of our report: subchapter III. We invited scholars to carry out media content analysis by accepted scientific methods. In the first part of this subchapter, we present the media performance in the six pre-war months when the parameters for reporting the war were being set. The findings of this analysis are extraordinary. During the six months, before any hostilities broke out in former Yugoslavia, the media had set a black and white

frame, simplified a very complex problem within Yugoslavia, and defined the good and the bad actors of war. This also had the potential to influence diplomatic efforts to prevent a bloody Balkan war.

The second part of the media content analysis deals with the period 1991 to 1995, analyzing the events that led to war and the war itself in Bosnia and Herzegovina, or to be more precise, in Srebrenica. Researchers have started from one assumption: if the suffering of one ethnic group at the expense of another was emphasized and/or if one side was consistently portrayed as an attacker, criminal, and aggressor[1] the media reports were biased. Their findings bear exclusively on the more than 10,000 pages from two primary sources, The *New York Times* and the *Guardian*, whose content between 1991 and 1995 was analyzed.

Both parts, after each analysis, offer conclusions.

Finally, as we have kept ourselves out of the story, and we followed the leads in the search for the facts, this report will leave you, the readers, to come to your own conclusions, or at least to find answers to some questions. Our main question was: were the media reports of the war in Srebrenica objective? What we found we present here as objectively as possible. We have no illusions that we will have answered all questions, but we are certain that this report will serve, now and in the future, as a solid ground for others to dig deeper and deeper. We are confident that, after decades of bloody wars in the Balkans, this report mirrors the behavior of the media of that time and its influence in cementing the horrifying image of a people and the unprecedented consequences this has had, and will have for future generations.

1. Introduction

> Violence was, indeed, all I knew of the Balkans: all I know of the South Slavs. . . .But I must have been wholly mistaken in my acceptance of the popular legend regarding the Balkans, for if the South Slavs had been truly violent they would not have been hated first by the Austrians, who worshipped violence in an imperialist form, and later by the Fascist in a totalitarian form…[2]
>
> Rebecca West

Studying the materials related to the role of the media during the events that caused the war, and the war itself in Bosnia, more precisely in Srebrenica (1991-1995), we have noticed two main directions in observing media functioning. One speaks of the media influencing decision-makers. The other implies that, on the contrary, the decision-makers use media as a tool through which they communicate with the public. Is the media a completely autonomous

1 Miša Stojadinović and Miloš Jevtić, "Media Content Analysis during the Events that Led to War and the War Itself in Srebrenica (1991-1995)." Institute for Political Studies, Belgrade, 2020. The entire study together with databases is available in the Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons.

2 Rebecca West, *Black Lamb and Grey Falcon: A Journey Through Yugoslavia* (New York: Penguin Books, 1994), 21, quoted in Peter Brock, *Media Cleansing, Dirty Reporting. Journalism and tragedy in Yugoslavia* (Los Angeles: GM Books, 2005), 316.

and independent entity that regulates its own life? Or is the media completely influenced by an external force coming from the elites, whether they are political, corporate, or some other?

The questions are quite legitimate, but they were not the main focus of interest to us here. We have tried to present both, but only in terms of the context of the work of the media. Neither were we interested in who the "actors" who determined the narratives and news distribution were so much as we were interested in presenting media reporting in the context ofthe wars on the territory of former socialist Yugoslavia, Bosnia and Herzegovina, and Srebrenica.

In subchapter II, we offer background as it was necessary to make the role of the media clearer and to look at the events from the end of the 1990s as closely as possible, in order to place the work of the media in the historical and political context. Without any ambition of performing a scientific study of the internal and external actors of the Yugoslav crisis, we focused on the primary sources, that is, the writing of the most influential Western media, as well as other primary sources as books, magazines, articles, testimonies, and video presentations, signed by the journalists and others who were witnesses to the war.

That is why, wherever possible, we spoke with witnesses and researched war biographies as well as the memories and opinions of war reporters who in many ways portrayed the situation on the ground, which is very important for understanding the circumstances, ethics, and professional norms. Equally important to us were the experiences of journalists who were in their home countries in their newsrooms and witnessed the climate and circumstances that determined the front pages of prestigious media; and secondary sources that were worth mentioning. For example, Melanie Phillips of the *Guardian* once told a surprising story of a "broader truth", which means that there was a defined frame: Serbs were portrayed as the bad guys, Muslims as the good guys: this was the mindset of the 1990s.

Another such example comes from Yasunari Mizuguchi, a Japanese journalist and photo reporter, who spoke of a "world campaign against Serbs" and who said that he had witnessed scenes of horror while visiting Srebrenica and Bratunac: "Last December I went to Srebrenica and Bratunac. I saw the bodies of 109 dead people ... women with blown heads and slaughtered people, without eyes, without hands ... horrible things…"[3] The interviewer asked, "Who did it?" Mizuguchi answered, "Muslim soldiers from Srebrenica. But when I returned to Japan in February, the United States wanted to throw food out of the plane. I'm so surprised why they did that ... there were so many soldiers in Srebrenica who destroyed three Serb villages all of a sudden. It was as if the United States was giving food to Muslim soldiers to keep fighting…"[4]

Portuguese journalist and historian, Carlos Santos Pereira who wrote a book entitled *From Yugoslavia to Yugoslavia* (Da Jugoslávia à Jugoslávia) in 1999, gave an interesting insight about this issue when he was interviewed for the same TV show. We have found out

3 Yasunari Mizuguchi (Japanese journalist and photo reporter), Transcript of an interview with Yasunari Mizuguchi given to Banja Luka Television (later Serbian Radio-Television), *Vidik*, aired mid-1992, courtesy of Marinko Učur.

4 Mizuguchi, Transcript of an interview.

that people and politicians in Portugal had a balanced opinion on the bloody civil wars. However, when the media used international mainstream media and news agencies as sources, the situation in was quite different: "When looking at Portuguese public opinion, you have to consider a few things: first – if there are reports in Portugal from the sources of international news agencies, then there are a lot of things that are manipulative in its nature. If the sources are reports from our reporters to the territory of Bosnia, then, of course, the approach is completely different, that is, more objective…"[5]

Mr. Pereira visited Srebrenica while he was working for the Portuguese daily *Diario De Noticias*. After he had spent some time there, he concluded that people who lived in Srebrenica were totally disoriented and had no clear picture of what was going on. Some of them told Mr. Pereira that they were under fire from Serb artillery: "However, not far from Srebrenica you have the Serb village of Ratkovici where the same Muslims from Srebrenica committed unseen crimes and so on ..."[6] In this manner, this well-versed connoisseur of developments and circumstances in the former socialist Yugoslavia, explained the role and impact of media during the war.

There are many other similar stories told or written by former journalists or editors.

Where possible, we were also interested in what the atmosphere was in the ranks of officials and the staff of the great powers and prestigious international organizations which were in one way or another involved in the processes better known today as the bloody civil wars in the Balkans. For example, Professor Samuel Moyne who had, as a young intern in the White House, "sowed stories" for the influential American warmedia, which was his unofficial job. To this end, we investigated as many circumstances and events as the duration of the project and the number of resources allowed. Some will be presented here, while others will be in an archive available to all interested parties on request and with the permission of the Government of Republika Srpska.

In this subchapter we explore a short overview of the broader context of media performance during the different periods of history and political circumstances, but not in the way the reader might expect to see. Much of this subchapter will rely on declassified documents, now provided by different intelligence agencies and other institutions. This will certainly add new and surprising dimensions in understanding the circumstances and events of the period preceding the war in Bosnia and Srebrenica. Also, some key milestones will be presented regarding politics and decisions made during and after the Cold War era.

In subchapter III, we will present media content analysis as the core of our report. We have invited scholars to carry out studies. Two scientific studies were made by Dr. Aleksandar Mitić, who once worked for *Agence France-Presse* news agency. Today, he works in the scientific field and runs the Center for the Strategic Alternatives. In 1997, he wrote his MA thesis: *Impact of the Media on Preventive Diplomacy: Three Case Studies from the Yugoslav*

5 Santos Pereira, Carlos (historian and journalist of the Portuguese daily *Diario De Noticias*), Transcript of an interview with Carlos Santos Pereirom given to Banja Luka Television (later Serbian Radio-Television), *Vidik*, aired mid-1993, courtesy of Marinko Učur.

6 Santos Pereira, Transcript of an interview.

Conflict (Ottawa, Carleton University). Here, for this report, he went further in his research. Dr. Mitić updated his thesis with events of interest to our work, titled *Manufacturing of the "Good and Evil" Archetype in Western Media before the Beginning of Armed Hostilities in Former Yugoslavia*. In his study, he analyzed the six months before the war from the perspective of the preventive diplomacy efforts of the European community and the role of the United States and the media during this period.

He first analyzed the European media: *The Economist*, *The Times,* and *Le Monde* and their role in the period between December 25, 1990, and June 25, 1991. He found:

> The media could have had an influence on the following elements of preventive diplomacy: the weakening of the EC's support toYugoslav unity; the softening of the stance towards the unilateral secessions of Slovenia and Croatia; strengthening of the EC's criticism towards Serbia; and the EC's refusal to acknowledge the demands and fears of Serbs in Croatia.[7]

The United States media that were analyzed included thedailies *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *The Los Angeles Times*, as well as weeklies such as *Time*, *Newsweek,* and the *New Republic*. Those media sources were analyzed in the period between January 15, 1992 (the EC's recognition of Slovenia and Croatia) and April 6, 1992 (the EC/U.S. recognition of Bosnia and the beginning of the war):

> The U.S. preventive diplomacy was not clearly defined. It was ambiguous, unclear, and in flux. Also, the U.S. considered the Yugoslav conflict to be at the periphery of its interests since Yugoslavia had lost the important geopolitical role it played during the Cold War. Thus, there was a possibility for the media to have an influence on U.S. preventive diplomacy.
>
> The most important element which could have been subject to media influence is the anti-Serb bias. The U.S. ignored the "Serb question". It is thus important to analyze the media coverage and portraying of Serbs in the Yugoslav crisis.[8]

Those were the elements on which the media could have had an influence, according to Dr. Mitić.

The second study, performed by the Institute of Political Studies[9], led by Professor Miša Stojadinović, and junior research assistant Miloš Jevtić, MA, analyzed more than 10,000 pages of the two influential media sources in the English language: *The New York Times*

7 Aleksandar Mitić, "Manufacturing of the 'Good and Evil' Archetype in Western Media before the Beginning of Armed Hostilities in Former Yugoslavia," unpublished manuscript, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020, 14.

8 Mitić, "Manufacturing of the 'Good and Evil' Archetype," 34.

9 The Institute for Political Studies is a scientific research institution based in Belgrade, active in the field of social sciences for 50 years now. Over the course of half a century of its activity, the Institute has developed into a modern and independent scientific institution, specialising in complex social research. For more detail, see: http://www.ips.ac.rs/en/

and the *Guardian* as the most awarded newspapers for journalism (at that time). The time frame of the analysis spans the entire period of the events that led to war and war itself in Srebrenica (1991-1995) which this study commissioned to be presented in an exclusive, new study. To our knowledge, no study of this kind has ever been performed before: "Researchers have started from one clear assumption – reporting on the war in Bosnia and Herzegovina is biased if the suffering of one ethnic group is emphasized at the expense of another and/or if one side is consistently portrayed as an attacker, criminal, and aggressor."[10] Content analysis, methodology, and conclusions will be explained in detail in subchapter III. This is the core of our report.

What was important for us was to collect facts rather than observations, since the general perception of the war in former Yugoslavia (Bosnia and Srebrenica) today is that this was the most unrepresented war in recent history from the media perspective. Numerous works were written on this. That is one reason. The second was to prevent any sort of attempt to file this report under: "unbalanced","false", "biased", "pro-Serb", and similar categories. This is also the reason, why we have chosen to analyze the content of the most prominent Western media, instead of local media which propagated its view of the events and the people involved. Since propaganda is understandable in wartime, we have chosen influential Western sources as they are considered supposed to be immune from propaganda. Or, in other words, they are supposed to be neutral, objective, and professional.

For all these reasons we have decided not to draw any conclusions but simply to offer this exclusive right to the readers of this report. Why? As once written by American journalist Peter Brock, "journalists are poor political scientists and worse foreign policy analysts. Diplomacy is not their game; selling newspapers is. Their job is to factually report what they see and hear and to ask questions - lots of them. Above all, they are supposed to personally stay out of the story, and not get involved."[11] We won't pretend to be scientists (that is why we invited them to help us) or analysts, so we will prepare the report as easily readable, but it will nonetheless be difficult to comprehend, as new data offers new and surprising insights into the saga of war reporting and the role of media during the war in former Yugoslavia, Bosnia and Srebrenica, which turn it into a tragic episode in the long history of media performance. It is tragic in the sense that journalists,by choice or otherwise, whether they were aware of it or not, took a side in the war and helped prolong the war, which led to unprecedented consequences that are still felt to this day. Sadly, it seems that many, though not all, forget that the first commandment of professional journalism is objectivity – and listening to the other side.

It would be a huge mistake to even think that this report aims to protect someone or to offer a one-sided view. On the contrary! It was a war. A bloody war. Each side committed crimes that need to be remembered. Each side had its victims who suffered due to the horrors of a civil war. We are aware that there will be those who will label this as a pro-Serb report. For all of them, a small reminder: once upon a time, one of the members of this Commission wrote, as a first-hand witness of war trying to answer the complex question: who are the Serbs, anyway?

10 Stojadinović and Jevtić, "Media Content Analysis," 133.

11 Peter Brock, *Media Cleansing, Dirty Reporting. Journalism and tragedy in Yugoslavia* (Los Angeles: GM Books, 2005), 6.

> A mystified world asks itself about the real nature of these Serbs, able to survive six wars in the past hundred years, at times capable of horrendous violence, more often able to amaze with great acts of generosity, openness, and heroism. Yes, they are Serbs. . . . Anarchists in peace, united in war, the Serbs at the end of this Millenium have once again challenged the world, and have again shut themselves up within the shell of resistance that is stubborn, silent, and monolithic. As confusing as their behavior may seem, their concept of national identity retains a force that the West has forgotten.[12]

So, it's up to readers to decide the objectivity of an author, as it is objectivity that he has looked for in this report.

Giuseppe Zaccaria

2. Background: Key Historical and Political Facts

To understand the role of the media during the events that led to the war and during the war itself (1991-1995), it is important to present some historical and political context. The history of the Balkans from the perspective of historians won't be the same as from our perspective, especially since prominent members of the Srebrenica Commission will present the history of the region of Bosnia and Srebrenica and though that they will also present to the readers how they see it. Our focus in this subchapter is to provide an account of what the media was doing during the period preceding the 1990s and to describe the political context and key political facts needed to understand the behavior of the media.

In the course of studying the hundreds of thousands of pages of different material, archived documents, and all sorts of noteworthy publications, we have realized how important the very material is for understanding what had happened in Srebrenica during the period leading up to the war and during the war itself, and perhaps it will help explain the huge discrepancies between the actual events and the news reports and make them much easier to understand. We have no intention of offering any kind of implication or judgment, taking a side, or offering any sort of conclusion.

We will present facts in logical and chronological order based on solid evidence in the form of now-declassified documents that used to be classified as confidential or topsecret. In this subchapter, we intend to offer an overview of primary and secondary sources primarily to present a broad context with respect to the complexity that the period that defined the last bloody Balkan episode and Srebrenica's role in it is known for so that the behavior of the media and the communication strategy of all parties involved in the process could be easier to comprehend. We will start by going over some key facts from the Cold War era and move on to the dissolution of the former Yugoslavia and the failure of preventive diplomacy, but

12 Giuseppe Zaccaria, "Serbianness," *Aspenia*, no.8.

the core of this subchapter will be the first-hand witness accounts of the war, mainly from journalists, reporters, opinion-makers, writers, and publicists. So far, a lot had been said and written that can shed a different light on the behavior and influence of the media leading up to and during the war in Bosnia and Herzegovina and, more specifically, in Srebrenica.

2.1. Cold War: Short Overview

Today, thanks to the opening of archives and legal acts that provide access to information of public importance, we know more about the historical period of the Cold War than before. The decades-long period that determined the lives of generations has established its mechanisms that we value today as propagandistic arranged to preserve the narrative established in the division between "us" and "them", "good" vs. "evil". The world of the "freedoms and rights" versus rigid "communist dogma". These mechanisms are best reflected in the information activity, through various media. In the field of science and culture, through various exhibitions, magazines, the entertainment industry. The world had been divided into two parts: the East and the West, which waged unprecedented war in the modern history of humankind – the global war for hearts and minds. The Cold War ended with the fall of the Berlin Wall and then the collapse of the Soviet Union. However, the mindset of the Cold War continued to live on. And, through those glasses, using already existing mechanisms, all subsequent conflicts were perceived. The West won that war, but it would be unfair to say that the East came out of that war clean-hands.

Quite the contrary, the means used during this war, propaganda methods, and mechanisms were, and it will be quite correct to say, used by both sides without any reservation. To understand the 1990s, (which also meant bloody civil wars for the Balkans on the soil of the former socialist and federal Yugoslavia), here our emphasis will be on the victorious side of the Cold War- the West – because the other side – the East – at the beginning of the bloody historical episode in the Balkans, was in fact powerless. Although, for the sake of intellectual honesty, the arguments that will be presented here can be easily attributed to the Eastern side as well.

During World War II, sometime before its conclusion but after it had already become certain that Nazi Germany would lose the war, skilled high-ranking strategists of the German army knew that the world would be divided between two major world powers after the war: the United States of America and the Soviet Union. It was also clear that the conflict between the concepts of capitalism and liberalism translated into the political system of Western democracy, and that the rise of another authoritarian Communist system would be inevitable. All it took was to approach at the right moment and offer "services and resources". That is how erstwhile wartime opponents started cooperating behind closed doors after the war. For the sake of intellectual honesty, all parties on either side of the Iron Curtain did the same. For the purposes of our report, and in light of what has already been written, we are interested in

the cooperation between America and the Nazis, which was to lead to extraordinary developments in the political and every other field.

> In February 2005, the National Security Archive of the United States of America released the secret documented history of the cooperation between the U.S. government and General Reinhard Gehlen, the German army's intelligence chief for the Eastern Front during World War II. At the end of the war, Gehlen established a close relationship with the U.S. and successfully maintained his intelligence network (it ultimately became the West German BND) even though he employed numerous former Nazis and known war criminals,

As Tamara Feinstein wrote following the release of the National Security Archive original documents, it was a shock.[13] Although many articles, columns, books, and studies were published throughout the Cold War years about the secret alliance, their authors were labeled as conspiracy theorists and subsequently discredited. The proof of this well-hidden history of wartime cooperation between the Allied superpower, as well as between the United States and the Nazi war criminals, was released in 2005 under the Nazi War Crimes Disclosure Act:

> The declassified *SECRET ReIGER* two-volume history was compiled by CIA historian Kevin Ruffner and presented in 1999 by CIA Deputy Director for Operations Jack Downing to the German intelligence service (Bundesnachrichtendienst) in remembrance of "the new and close ties" formed in post-war Germany to mark the fiftieth year of CIA-West German cooperation. This history was declassified in 2002 as a result of the work of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG) and contains 97 key documents from various agencies,

wrote Tamara Feinstein.[14] The IWG, which was established on January 11, 1999,

has overseen the declassification of about eight million pages of documents from multiple government agencies.

> The documentation unearthed by the IWG reveals extensive relationships between former Nazi war criminals and American intelligence organizations, including the CIA. For example, current records show that at least five associates of the notorious Nazi Adolf Eichmann worked for the CIA, 23 other Nazis were approached by the CIA for recruitment, and at least 100 officers within the Gehlen organization were former SD or Gestapo officers. . . . The IWG enlisted the help of key academic scholars to consult during the declassification process, and these historians released their own interpretation of the declassified material last May (2004) in a publication called *US Intelligence and the Nazis*.[15]

13 Tamara Feinstein, ed., "The CIA and Nazi War Criminals," National Security Archive Electronic Briefing Book No. 146, Feburary 4, 2005, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB146/index.htm#5

14 Feinstein, "The CIA".

15 Ibid.

Thus, immediately after World War II, and we will see this in more detail later in the subchapter, a Nazi network was created. It was well organized and extraordinarily well funded. It worked under the radar of the general public as a completely parallel system created to wage war against the Soviets. This parallel Nazi network, as we shall see, was involved in the work of many institutions (one of which was the German intelligence agency the BND). It financially supported many important international events and was very important in creating events that changed the course of the Cold War and brought "victory" over the Soviets.

Feinstein further wrote:

> Timothy Naftali, a University of Virginia professor and consulting historian to the IWG, who focused heavily on the declassified CIA material, highlighted the problems posed by our relationship with Gehlen: "Reinhard Gehlen was able to use U.S. funds to create a large intelligence bureaucracy that not only undermined the Western critique of the Soviet Union by protecting and promoting war criminals but also was arguably the least effective and secure in the North Atlantic Treaty Organization. As many in U.S. intelligence in the late 1940s had feared would happen, the Gehlen Organization proved to be the back door by which the Soviets penetrated the Western alliance."[16]

The original title of the document the *Secret ReIGER*was *Forging an Intelligence Partnership: CIA and the Origins of the BND, 1945-49*, edited by Kevin C. Ruffner, approved for release by the CIA in 2002, in coordination with the US Army and prepared by the CIA History Staff, Center for the Study of Intelligence, European Division, Directorate of Operations, 1999. The over 400 page long original document, divided into Foreword, Preface, Notes on Sources, Persons Mentioned, Chronology, Photographs, Firsthand Accounts (Part I), Stunde Null (Part II), the Vanderberg Report (Part III), and the Bossard Report (Part IV), provides fascinating insights.

Here are some excerpts from the original documents. It is important to note that what Downing presented was merely the introduction. The other parts of the document were prepared by CIA historians.

> Since 1949, the Central Intelligence Agency (CIA) has maintained close ties to the Gehlen Organization which became West Germany's BND, or Federal Intelligence Service, in 1956. Through the long decades of the Cold War, the CIA and the BND worked closely together to expand freedom in Europe [redacted] during which time both countries faced new threats in the form of terrorism, proliferation of weapons of mass destruction, and unrest in Europe and other regions of the world. Forging this intelligence partnership between the United States and Germany was not an easy task. In 1945, the United States and its allies had just been at war with Nazi Germany. Germany itself lay in ruins, its towns and cities destroyed, while American, British, French, and Soviet troops divided the country into occupation zones.

16 Ibid.

> Democratic government was reestablished in the Western zones while a totalitarian system was forced on the Eastern zones by the Soviet Union. . . . In order for Western Europe to recover from the war and to survive the threat of Communism, Germany had to be rebuilt and its government restored. The United States promoted these efforts through the Marshall Fund, the formation of the Bundesrepublik, the rearmament of West Germany, and its membership in the North Atlantic Treaty Organization and the United Nations. The Gehlen Organization operated in the vacuum of the Cold War. After the war, General Reinhard Gehlen, a senior German army intelligence officer and expert on the Soviet Union, directed his officers to preserve their records and surrender to American forces.
>
> In the summer of 1945, a handful of US Army officers recognized that Gehlen's position as the head of Fremde Heere Ost (Foreign Armies East) could be useful in obtaining information about the Soviet Army. . . . After sending Gehlen and several of his officers to the United States for debriefings in the summer of 1945, the Army also began to use former German intelligence officers as operatives in the American occupation zone in Germany. Between 1945 and 1949, the US Army handled the Gehlen Organization and funded its intelligence collection. During this period, the US Army wanted the CIA and its predecessor organizations to assume responsibility for the Gehlen Organization. The CIA, still getting itself established in Washington as the nation's first peacetime, centralized intelligence organization, had reservations about the Army's efforts for it to take over the Gehlen Organization.[17]

Indeed, Army Intelligence and the CIA had many disagreements over the issue for years regarding operational matters such as costs and security. More than anything, the trust posed in their erstwhile enemies was at the core of their mutual clashes.

We have studied all the documents that were released and spent many hours perusing the CIA digital library. Here we will present just a few key documents that shaped the Western world after the war, such as this excerpt from a CIA document entitled *Biographic Sketch of General Reinhard Gehlen,* declassified in 2001:

> From 1949 until 1956 General Gehlen devoted his full energies to legalizing his organization like the West German Federal Intelligence Service. He achieved this goal in March 1956 and thereby became its first president. He became directly responsible to the Chancellor's office. After legalization, he strove to develop his organization into a worldwide intelligence service having collection capabilities and liaison on a worldwide basis. He has gone a long way toward accomplishing this goal. . . . General Gehlen was succeeded on 1 May 1968 by General Gerhard Wessel, his adjutant in Fremde Heere Ost, who was instrumental in assisting in the formation of the Gehlen organization. Wessel has served with the BND, the West German Ministry of Defense, and the NATO Military Committee in Washington and Brussels.[18]

17 Jack Downing, foreword to *Forging an Intelligence Partnership: CIA and the Origins of the BND, 1945-49*, ed. Kevin C. Ruffner, vol. 1, ix-x, CIA History Staff, Center for the Study of Intelligence, European Division, Directorate of Operations, 1999. Approved for release by the CIA in 2002.

18 *Biographic Sketch of General Reinhard Gehlen*. Declassified 2001, 2005. Central Intelligence Agency, https://www.cia.gov/library/readingroom/docs/GEHLEN,%20REINHARD%20%20%20VOL.%201_0001.pdf

General Gehlen foresaw that the New World Order following the collapse of the Third Reich will consist of two world powers, the USA and the USSR. He was also convinced that the two would sooner or later divide the zone of interest and eventually clash with one another. He anticipated the Cold War and had strong arguments to support his claim; he had access to reams of documents at his post of duty on the Eastern Front, and built a strong network of installations that he was hoping to convince the USA to use against the USSR.

General Gehlen's dream of a new Europe with German leadership under American control eventually came true. This can be seen in a piece of his correspondence dated October 12, 1949, which was declassified and published by the CIA in 2005 under the title *Dr. Schneider's Reply to Recent Policy Guidance Letters*:

> Dr. Schneider's[19] Reply to Recent Policy Guidance Letters. Subject: Basic Considerations in Reviewing the Concept and Mission of this Project. . . . General Elements of our work, Political Fundaments: following the German point of view, the political fundaments of our work general to the following two points: a) The firm belief that future German policy has to be based, for the coming period of history, on very close cooperation with the United States, even in the frame of a Western European unity. . . . As far as I have been able to ascertain up to now, this conception seems to correspond in all points to the views of the new Federal Chancellor. In this connection, it is to be said that a future German foreign policy will aim to secure the German people's participation in equal rights with equal duties in the family of all nations of Western ideas under the leadership of the United States.
>
> I suppose that in the long run, the interests of the United States will be lying on the same lines. It will be of importance for the development of the organization what contribution in the field of politics is or can be expected from them by our organization in the future with respect to American-German cooperation. Here I must stress the point that it will never be up to this organization to execute an active political influence in domestic or foreign politics, as this would stand in complete contradiction to the non-partisan character of a German intelligence organization working against the East. However, a role which the leaders of our organization could be expected to play and could actually play is the role of a loyal intermediary also in the field of foreign politics and in conformity with our mutual ideas.[20]

It is important to note that General Gehlen's group revived its network created just before and during World War II in Europe and the Middle East, and not only there, but also in all areas of interest. The area of interest for this report will be the network in Europe and the Middle East, particularly the declassified documents relating to the Grand Mufti of Jerusalem.

The Grand Mufti Haj Amin al-Husseini and Ali el-Gailani, two Arab leaders, had a strong connection with Nazis, who financed their activities. The outcome of the war was

19 Dr. Schneider was the operative name of General Reinhard Gehlen.

20 *Dr. Schneider's Reply to Recent Policy Guidance Letters*. October 12, 1999. Declassified in 2005. National Security Archive, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB146/doc97.pdf

already obvious in April 1945, and had been even before then, but what they wanted to do was to continue their activities. Al-Husseini believed in a pan-Islamic state. They had enough resources to execute the plans forged before and during World War II. For example, Breitman and Goda wrote:

> A German field marshal received a base salary of 26,500 marks per year. . . . From spring 1943 to spring 1944, Husseini personally received 50,000 marks monthly and Gailani 65,000 for operational expenses. . . . Husseini and Gailani received substantial foreign currency to support adherents living in countries outside Germany.[21]

Husseini maintained regular contact with high-ranking SS officers such as Wilhelm Beisner, Hermann Hoth, and Waffen-SS General Gottlob Berger who was in charge of recruiting non-German forces into the Waffen-SS. Husseini also maintained a very close personal relationship with Heinrich Himmler himself.

The Grand Mufti was aware of the significance of propaganda and media for his mission and he maintained a strong relationship with persons who worked for the German Foreign Office and the Propaganda Ministry:

> An Egyptian named Galal in Berlin edited an Arabic-language periodical designed to stir up the Arabs to support Germany, and El-Naggar assisted him in 1940. By 1941 El-Naggar had his own Arabic publication for Middle Eastern audiences, and in 1942 he took on the additional job of director of Nazi short-wave broadcasts to the Near East. After Husseini came to Berlin, he wanted to collaborate with El-Naggar on Middle Eastern broadcasts, and for a time they worked together successfully. Then El-Naggar established an Islamic Central Institute in Berlin. Husseini had wanted to head this institute, and after El-Naggar refused him, Husseini used his influence with the SS to get El-Naggar removed from the broadcasting job.[22]

In his pursuit of a pan-Islamic state, the Grand Mufti of Jerusalem, in coordination with the Nazis, recruited Muslims from all over their zones of interest:

> In the fall of 1943 Husseini went to the Independent State of Croatia, a Nazi ally, to recruit Muslims for the Waffen-SS. During that trip, he told the troops of the newly formed Bosnian-Muslim 13th Mountain Waffen-SS division that the entire Muslim world ought to follow their example.[23]

As the war ended with the obvious outcome, Husseini arranged with the Nazis to continue cooperation on a political-ideological basis. According to the declassified files, the Nazis

21 Richard Breitman and Norman J. W. Goda, *Hitler's Shadow: Nazi War Criminals, U.S. Intelligence, and the Cold War*. (n.p. [no place]: National Archives, 2010), 19.

22 Breitman and Goda, *Hitler's Shadow*, 20

23 Ibid.

made arrangements with Husseini to continue this mission after April 1945. What we know today, based on the CIA's Secret Information on Amin al-Husseini, which was declassified in 2008, is that the CIA and the Army secret services were well aware of the Grand Mufti's routes, missions, contacts, and power.[24] What is important for this part of the report is that the Grand Mufti maintained the close ties forged during World War II and continued working on the mission defined during that time:

> [T]he formation of more than two dozen Muslim Waffen SS and Wehrmacht units in Bosnia, Kosovo, Western Macedonia, North Africa, and German-occupied Soviet Union. After the war, wanted for war crimes by the Yugoslav government, al-Husseini fled to Egypt, where he worked with the Odessa Network to bring thousands of Nazis to the Middle East and into the Egyptian and Syrian military. In 1945, he was named the Muslim Brotherhood leader in Jerusalem.

Bruce Tefft pointed the above out in his article *The Muslim Brotherhood Threat to the Middle East, Israel and the World*.[25]

Tefft's article also mentions events from 1946, one year after the Nazis had, in April 1945, signed a new agreement for the post-war era with the Grand Mufti:

> In 1946 al-Husseini met his Egyptian-born grandnephew, Yasser Arafat, who at 17 began to work for al-Husseini as an arms smuggler for al-Husseini's militia forces in Jerusalem. Arafat became an official member of the Brotherhood in 1948 and attempted to fight the Jews in the 1948 War… but was stopped by Egyptian forces on his way from Cairo. In 1957, while at university in Kuwait, Arafat founded the Palestinian terror organization Fatah, which later joined, and then took control in 1969 of the Palestinian Liberation Organization (PLO).[26]

Meanwhile, the same process was taking place in the former Yugoslavia. In 1948, the Socialist Federal Republic of Yugoslavia under the lifetime leadership of Marshal Josip Broz Tito split from the Soviet Union. The *Cryptologic Quarterly*, the National Security Agency's classified in-house journal, carried out a top-secret analysis of how close the world as we know it had come to a direct clash in the 1950s. In 2010, in accordance with the Freedom of Information Act (FOIA), the National Security Agency of the United States (NSA) published a top-secret document entitled *Dodging Armageddon: The War That Almost Was, 1950*, an article that originally appeared in the February 1998 edition of the NSA's *Cryptologic Quarterly*, on the topic of World War III nearly breaking out in the 1950s.[27]

24 *Security Information, Biographic Report, Amin el-Husseini, Grand Mufti of Jerusalem*. November 19, 1951. Central Intelligence Agency, https://www.cia.gov/library/readingroom/docs/HUSSEINI%2C%20AMIN%20EL%20%20%20VOL.4_0160.pdf

25 Bruce Tefft, "The Muslim Brotherhood Threat to the Middle East, Israel and the World," *The Mackenzie Institute*, February 26, 2013, https://mackenzieinstitute.com/2013/02/the-muslim-brotherhood-threat-to-the-middle-east-israel-and-the-world/

26 Tefft, "The Muslim Brotherhood Threat."

27 "Dodging Armageddon: The Third World War That Almost Was, 1950," *Cryptologic Quarterly*, February

This caused a seismic shift within the Eastern Bloc and everything changed in a very short period of time. A year later, in 1949, the leading German news magazine *Der Spiegel* delivered another shocking blow, publishing the article about the secret connection between Marshal Tito, a World War II hero, and Frantz Neuhausen, the notorious Nazi governor of southeastern Europe.

On November 17, 1949, this reputable German newspaper published an article about Frantz Neuhausen and his postwar fate. He served two and a half years in prison, even though he had been sentenced to 20 years of heavy imprisonment. But, as it happened, Göring's protegee was far more useful as an industrial planner for Marshal Tito's new postwar plans. "In 1947 [Neuhausen's] life was worth at best five pfennigs," wrote *Der Spiegel*.[28] A few years later, he was spending his time drinking beer in popular restaurants in downtown Belgrade (like the Three Hats on Skadarlija, or at the Majestic). With all of his ups and downs in his prewar business undertakings, "Fat Franz", as he was nicknamed, knew that he needed the right connections and opportunities to leverage his understanding of the trade. He soon became a wealthy industrialist and supported Göring by showering him with all his favorite things. It was Göring who had saved his neck on many occasions during the war.

Neuhausen was a figure with all the best connections suited for the post-war elite. In his war days, he liked to say, "I determine who is [a] communist," appointing some to suitable high-ranking positions. "Those communists were now acting for him," wrote *Der Spiegel*.[29] The mines in Yugoslavia needed an efficient manager, as well as money. Neuhausen and his connections provided 20 million in bonds from the World Bank for the Bor and Trepča mines. "Neuhausen provided the documents for the international bond business. Americans found his calculations 'very useful'," wrote *Der Spiegel*.[30] For Marshal Tito, it was a practical post-war decision, since he needed to rule over a country plagued with many problems and which had many opponents, primed for a new round of war both inside and outside its borders.

Neuhausen was officially released in 1953, and died in 1966 in Berlin, Germany.

In these early days of the Cold War era and its various top-secret alliances, it was necessary to organize a system of propaganda that would maintain and nurture the processes which would shape the mindset of so many generations to come, born and raised in an atmosphere of constant threat from the other side of the Iron Curtain. It was necessary to maintain whole different civilizations fighting each other beneath the public radar like the Second World War never ended. To do that strong architecture had been built following some old alliances and their networks with new agenda this time – to fight the Soviets.

24, 1998, 85-95, https://www.nsa.gov/Portals/70/documents/news-features/declassified-documents/cryptologic-quarterly/Dodging_Armageddon.pdf

28 "Neuhausen behielt seinen Kopf," *Der Spiegel*, November 17, 1949, https://www.spiegel.de/spiegel/print/d-44438973.html

29 *Der Spiegel*, "Neuhausen."

30 Ibid.

Without any ambition to go further in the history of the Cold War, especially since prominent commission members will offer a historical background that preceded the bloody civil wars in the Balkans. Here we are offering the context that will help to understand the 'psychological warfare' or propaganda led by all sorts of media (and other) means to preserve the system maintained under the public scope that we illustrated through some of the archival declassified documents. As we see old alliances made during World War II, has come to life. And, brought back their networks. This was a solid and strong base of the Cold War architecture. To preserve and maintain this a global propaganda machinery was needed. As well as all possible means to nurture the Cold War mindset. The frame was set: "us" and "them", "good" vs. "evil" democracy vs. totalitarianism, liberals vs. communists. And within this frame, a brutal psychological war was waged.

2.2. Cultural Cold War

In the summer of 1950, just a few months after McCarthy set off on his witch hunt, a group of around 100 intellectuals met in West Berlin to discuss, shape, and define the fate of the so-called free world. From their point of view, the Soviets were winning the hearts and minds of the people, the elites were attracted to their Communist ideology:

> The West Berlin conference was a direct response to these cultural assaults. Its supporters included the cream of the anti-Stalinist left – Arthur Koestler, Bertrand Russell, Benedetto Croce, Sidney Hook, John Dewey, Raymond Aron, and Ignazio Silone. Some of them were former Marxists or ex-Communists; many had spent time in the prisons of Nazi Germany, Soviet Russia, Fascist Italy, or Falangist Spain. Their goal was to seize the cultural offensive by creating an international organization of intellectuals devoted to democratic governance and the exposure of Stalinist lies. After days of heated debate, the participants produced a Freedom Manifesto, which rejected political neutralism and expressed solidarity with the victims of all totalitarian regimes. They called the organization they formed the Congress for Cultural Freedom.[31]

This cultural Cold War entered scientific discourse decades later as an important part of the historiography. Since then, numerous scholars have published and continue to publish works on the essential part of winning the hearts and minds of people around the world. Looking more closely at the references listed in the bibliographies of various studies, a select few pop up consistently and almost inevitably. One of them is Peter Coleman's *The Liberal Conspiracy: The Congress for Cultural Freedom and the Struggle for the Mind of Postwar Europe*, which details the structure, finance, and organization of the Congress for Cultural Freedom (CCF). He described personal interactions and relationships as well as political conflicts within the institution. In his 1989 book *The Encounter Group*, Peter Coleman brought up the bravery of the intellectuals from the West that stood up against Stalinism.

31 David M. Oshinsky, "Cranky Integrity on the Left," *The New York Times*, August 27, 1989, https://www.nytimes.com/1989/08/27/books/cranky-integrity-on-the-left.html

> These courageous figures included the novelists Arthur Koestler and Ignazio Silone, the poets W.H. Auden and Stephen Spender, the philosophers Sidney Hook and James Burnham (and even, for a time, Bertrand Russell), the editors Melvin J. Lasky and Irving Kristol, the composer Nicolas Nabokov (a cousin of the famous novelist), the physical chemist turned social scientist Michael Polanyi and the sociologist Edward Shils.32

The detailed structure of the Congress for Cultural Freedom and an overview of their work was published in *Congress for Cultural Freedom, June 1950-December 1955*:

> The Founding Congress at Berlin: June 1950 – The Congress for Cultural Freedom came into being in June 1950, when 118 distinguished writers, artists, philosophers, and scientists from 21 countries assembled in Berlin. The participants in this Congress launched a public discussion on the present state of freedom and the crisis of our age. In four sessions, before a large audience of Berliners, international guests, and students who had come-not without danger-from the Soviet zone, these men and women set forth their ideas, and at the close of their discussion pledged themselves to unite in defense of creative and critical thought.[33]

National organizations that were members of the CCF worked through their committees: The French *Friends of Freedom*, The Italian Committee, The Indian Committee, The Australian Committee, The American Committee, The Congress in Latin America, The Congress in the Scandinavian Countries, The Exiles of Central and Eastern Europe, which held several international meetings and conducted a range of activities. The somewhat recent trend of analyzing the Cold War as a rivalry between two hegemonic powers, the United States and the Soviet Union, with a focus on diplomacy, economics, international affairs, and military build-up presents a traditional, some would say obsolete way of studying an era. Once upon a time, history saw culture, propaganda, and ideology only as additional to events that were analyzed and incorporated into historiography. Only recently did scholars start to focus on studying on this level this complex part of the history of civilization, which the Cold War certainly was. One of the many scholars who work in the field certainly is Prof. Dr. Michael Hochgeschwender.[34] In his 2003 study entitled *The Cultural Front of the Cold War: The Congress for Cultural Freedom as An Experiment in Transnational Warfare*, Professor Hochgeschwender offered a different interpretation of the structure of the Cold War:

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32 Peter Coleman, "The Encounter Group," *The Washington Post*, September 17, 1989, https://www.washingtonpost.com/archive/entertainment/books/1989/09/17/the-encounter-group/db4fd5d2-0984-46c7-9854-7f19cd3bfa68/?utm_term=.f29e266d850d

33 *Congress for Cultural Freedom, June 1950-December 1955* (London: William Clowes and Sons Limited, 1956), http://nla.gov.au/nla.obj-50112553

34 Prof. Michael Hochgeschwender is the professor of North American Cultural History, Empirical Cultural Research and Cultural Anthropology at the Ludwig-Maximilians Univesity (LMU), Faculty of Languages and Literatures, Department of English and American Studies, Munich, Germany.

> Questions of culture and ideology provided intellectual frameworks for the whole understanding of the diplomatic, economic, social, and military impetus of this conflict without reducing it into an idealistic narrative. A far more coherent interpretation of the Cold War as a clash of cultures shaped by ideologies and interests became possible. . . . Propaganda and the quest for the inner stabilization of the developing hegemonic systems of the Cold War era became a central focus of historical research. This led to further questions of how and why the formation of these hegemonic systems was accepted by the peoples and societies involved in the conflict.[35]

Hochgeschwender regarded the Congress for Cultural Freedom as the cultural front of the Cold War and looked at "its impact on the American hegemonic system after 1950".[36] Reflecting on the internal ideological relations of erstwhile Communists, the protagonists of the Comintern's agitprop in Paris that jumped ship and became anti-Communists, Professor Hochgeschwender presented the background of the ideological battle that shaped the Cold War's platform of winning the hearts and minds of people through a heavy propaganda apparatus set to spread on a global level:

> The most important lobbyists for a strict anti-communist course from the left were the Union of Democratic Americans (UDA), the Americans for Democratic Action (ADA), the American Federation of Labor (AFL), the remnants of the long-gone Committee for Cultural Freedom, an intellectual anti-totalitarian organization of the 1930s led by John Dewey and Sidney Hook, and the New York Jewish Intellectuals, a group of authors, critics, and artists loosely connected by high-brow magazines, such as for example the *New Leader* or the *Commentary*. Integrated with European émigré circles, they began during World War II to criticize the alliance with the Soviet Union and Stalin. After 1945, predominantly in 1947, they were actively engaged in excluding left-wing New Dealers' power in the Democratic Party. Moreover, despite all their domestic troubles, they tried from the beginning to combine their own agenda with that of comparable European organizations. It was the specific advantage of the New York Jewish intellectuals to base on already existing transatlantic networks. They and the ADA actively searched for further allies in a struggle against Communism perceived as being apocalyptical in the very sense of the word-and they found them.[37]

It is important to note that a new form of an old set of ideas was propagated by NGOs and their network of philosophers, authors, artists, and a ring of journalists whose cooperation was necessary for spreading the heavy propaganda pushing the implementation of an ideology yet to come. As World War II came to a close and it had become obvious that the world would be divided between two superpowers, the United States and Soviet Russia, each fundamentally hegemonic in nature, this created a perfect momentum for new international ideologies to unite: "[T]he New York intellectuals, with the help of their widely read mag-

35 Michael Hochgeschwender, "The Cultural Front of the Cold War: the Congress for Cultural Freedom as an Experiment in Transnational Warfare," *Ricerche Di Storia Politica* 6, no.1 (March 2003): 5-6.
36 Hochgeschwender, "The Cultural Front," 7.
37 Ibid, 8.

azines (*New Leader*, *Commentary*, *Partisan Review*, and *Politics*), were willing and able to cross the Atlantic. They, in cooperation with the ADA, established a ring of journalists and correspondents all over Western Europe, especially David E. Williams in London and Melvin J. Lasky in Berlin".[38] All parties involved were well aware that it would be difficult to direct the Communists in the direction they desired while Stalin was alive. Communist parties had a very strong foothold in several large European countries, and were loyal to the Soviet Center. Keeping in mind all the different factions in the Western left, it was necessary to invent a third option of sorts to consolidate the liberal left ideology, which can be attributed to Lasky, relying on a set of propaganda tools.

One particular observation presented by Professor Hochgeschwender is especially important for this report:

> Culture, ideology, and propaganda were the main purposes of the CCF on both the transnational as well as the national level. The major means of transporting the intrinsic ideas of the organization were the magazines. While edited on the national level, they were controlled and harmonized by the Paris bureau. Besides Melvin Lasky's *Der Monat* that only in 1958 became an official monthly of the CCF, the most influential magazines were the London-based Anglo-Saxon *Encounter*, edited by Irving Kristol, Stephen Spender, and – after 1958 – Melvin J. Lasky, and *Preuves*, edited by Francois Bondy in Paris. The Spanish anti-Franquist magazine *Cuadernos*, *Tempo Presente* in Italy, *Forum* in Austria, or *Quadrant* in Australia completed the picture. With the help of its monthly or quarterly magazines, the CCF was able to reach regularly hundreds of thousands of intellectually interested persons all over the world, even inside the East. Their style was comparable, but not uniform. Normally, the CCF magazines were intended to present a broad variety of articles on highbrow culture and actual discussions within the intellectual circles of the anti-Communist liberal intelligentsia.[39]

On both sides of the Iron Curtain, propaganda machines were central to the process of hegemonic rule and the implementation of the new political map of the world. They were specifically engineered to win the hearts and minds of the public, shape public opinion, and prepare postwar generations for the era of the unipolar world. In one of his early papers on this topic entitled *The Intellectual as Propagandist: Der Monat, the Congress for Cultural Freedom and the Process of Westernization in Germany* (1999), Professor Hochgeschwender introduced the term "intellectual as a propagandist", referring not only to anti-Communist Cold Warriors as fellow-travelers of hegemonic interests of the United States, but also subtly and delicately pushing the liberal ideology as an alternative to

> communism, conservatism, nationalism, monetarism, or Thomism. Certainly, and without any question, this liberal ideology, which may be described as consensus liberalism, served the hegemonical interests of the United States in Western Europe

38 Ibid, 9.
39 Ibid, 16-17.

> after World War II. But, on the other hand, it did as well allow the left wing-liberals and their right-wing social-democratic partners to form an anti-Communist alliance on the basis of reformist notions and concepts. Consensus liberalism, a key element in the editorial praxis of *Der Monat* and the other CCF magazines, changed not only the perceptive framework of European, especially German, intellectuals and politicians but also-by using Hamiltonian means for Jeffersonian ends-that of the Americans. insofar it was a decisive tool withinthe permanent process of westernization after World War II.[40]

It is important to emphasize that anti-Communism was not the end goal of this post-war ideological, cultural, and propaganda project. It was a dominant stream just after World War II, but it was not sufficient to dominate the world. For that, it would be necessary to impose a singular mainstream narrative, and not only in the Western hemisphere, a united framework to overpower all alternatives and firmly push them out to the margins of global society,

> [but] this hegemony was not at all as simple as critics have construed it. Its aims were broader and more sophisticated than one would suspect. Within this development, at least on the German level, but with some respect to the ideological preconditions of American foreign policy also worldwide, Cold War anti-Communism was a catalyst, not a monolithic cause,

said Hochgeschwender in conclusion of the presentation he gave at a 1999 conference at the German Historical Institute in Washington.[41]

Many researchers and scholars who study this subject share a similar point of view. As Professor Amy C. Beal[42] said in 2006, in her 360 page book titled *New Music, New Allies: American Experimental Music in West Germany from the Zero Hour to Reunification*:

> Even before the end of the war, American composers had helped plan for the dissemination of American culture in postwar Europe. . . . a number of media were deployed to disseminate information about American values in the context of reeducation programs and the threatening Cold War. Publishing licenses for newspapers and books, radio broadcasting stations, U.S. Music and Theater Offices, America Houses, and the State Department's exchange programs were all part of the plan to set German culture back on its feet and to guide its progress as deemed appropriate by the victors. While the occupation of Germany altered the political structure of the country, U.S. State Department control of culture became the rule in the American zone.[43]

40 Michael Hochgeschwender, "The Intellectual as Propagandist: Der Monat, the Congress for Cultural Freedom and the Process of Westernization in Germany," paper presented at the Conference The American Impact on Western Europe: Americanization and Westernization in Transatlantic Perspective, German Historical Institute, Washington, D.C., United States, 25-27 March 1999, 2-3.

41 Hochgeschwender, "The Intellectual as Propagandist," 31.

42 Beal, Amy C., Associate Professor of Music, University of California, Santa Cruz.

43 Amy C. Beal, *New Music, New Allies: American Experimental Music in West Germany from the Zero Hour to Reunification*, 1st ed. (n.p.: University of California Press, 2006), 10, 18.

A similar perspective can also be found in Thomas Doherty's 2003 book *Cold War, Cool Medium: Television, McCarthyism, and American Culture*, or in Walter Hixson's 1998 historical analysis *Parting the Curtain: Propaganda, Culture, and the Cold War 1945-1961*. When historiography, thanks to dedicated researchers, acknowledged the value of culture, media, information, and propaganda as important topics in analysis, many scholars contributed to a better understanding of an era that came and shaped post-war generations. For this reason today we better understand the Cold War witch hunt that enlisted the most famous Hollywood industry of entertainment: "hundreds of Hollywood's filmmakers were dragged before Unites States Congressional Committees and questioned about their political beliefs. Actors and actresses, writers and directors who refused to cooperate. . . . lost their jobs in Hollywood. None of the studios would hire them. Over 250 top professionals were blacklisted." Hollywood actor Alec Baldwin presented, in Christopher Koch's 1996 documentary *Blacklist: Hollywood on Trial*, a well-documented story about one of the biggest scandals in the history of the entertainment industry. "Are you a member of the Communist Party, or have you ever been a member of the Communist Party?" Hollywood icons at the time were asked that question on their trials.[44] It was sad to witness how the so-called democracy fighters of the free world hijacked personal freedoms in front of a global audience. It was sad, shocking, and frightening for all who thought that their world was based on freedom, compared to the totalitarian Soviet regime in the Eastern hemisphere. The lives of so many people employed in the industry hinged upon their answer to that question. Say nothing of personally having left-leaning beliefs, even only being friends with people who supported the leftist ideology was enough to be condemned and blacklisted, deprived of a job and, on occasion, even imprisoned. The trend was not limited to entertainers.

In February 1950, Wisconsin senator Joseph McCarthy started a series of hearings and investigations aimed at expelling communists from public office:

> McCarthy claimed that he had a list (whose number varied) of State Department employees who were loyal only to the Soviet Union. McCarthy offered no evidence to support his charges and revealed only a single name, that of Owen Lattimore, who was not in the State Department and would never be convicted of a single offense. Nevertheless, McCarthy enjoyed a highly successful career, and won a large personal following, by making charges of disloyalty that, though mostly undocumented, badly hurt the Democrats. Many others promoted the scare in various ways, leading to few convictions but much loss of employment by government employees, teachers, scholars, and people in the mass media.[45]

Many people lost their jobs to the McCarthy-era public inquiries, often only to clever manipulation without any solid evidence. However, as it happened, the general public that

44 *Blacklist: Hollywood on Trial*, directed by Christopher Koch (New York: American Movie Classics, 1996).

45 United States: The Red Scare," in *Encyclopædia Britannica*, https://www.britannica.com/place/United-States/The-Red-Scare#ref613189

made McCarthy so popular for a time was the very same that eventually led him to rock bottom.[46]

Today, the centerpiece of the Wisconsin senator's legacy is the shameful term "McCarthyism" that is still used in the political narrative to refer to similarly minded phenomena.

And when it comes to *psychological warfare*, as propaganda was once called, understanding the evolution of information tools is key to understanding the apparatus that has shaped the perception of the bloody wars in the Balkans in the 1990s.

2.3. Media in Changed Global Circumstances

Information strategy changed hand in hand with the historical and political circumstances as the Eastern Bloc underwent a wave of anti-Communist revolutions. New generations had come, born and raised under intense Cold War propaganda. Stalin died in 1953; Gorbachev, as the leader of the Soviet Union, proclaimed *Glasnost* as a campaign of openness and started a process of *perestroika* or restructuring in 1983, Soviet troops withdrew from Afghanistan in 1989, Poland and Hungary gained independence the same year. The Berlin Wall was torn down in November of the same year. By the end of 1989, Communist regimes in Czechoslovakia, Bulgaria, and Romania had toppled. Boris Yeltsin became the President of Russia and Germany was reunified the following year, 1990. The Cold War officially ended in August 1991, and the Soviet Union was dissolved in December of the same year, according to the timeline of the Cold War published by the Harry S. Truman Presidential Library.[47] The newly arisen circumstances required a new ideological and propaganda scheme. What that meant is that the media, as a key tool of the machine, went through a restructuring process.

In 1994, the RAND Corporation, an American nonprofit think tank, published a research book by John E. Tedstrom to answer the question of future US communication strategy to the rest of the world in the sense of its national interests and foreign policy goals. The old information distribution tools such as VOA, RFL, RFE, etc., had completed their mission. In a post-Cold War world, new means of spreading ideas and taking control of the public narrative required having a set of new information tools at hand, ready to be used in the most efficient ways. The main question of the study was: "How can the United States best use the fruits of the information revolution to further its interests through public diplomacy and international broadcasting?"[48]

Tedstrom's book further attempted to outline the platform of the United States acting in a post-Cold War world through promoting US interests and values, international broadcasting, and institutional reforms of the broadcasting system:

46 Paul J. Achter, "McCarthyism," in *Encyclopædia Britannica*, https://www.britannica.com/topic/McCarthyism

47 *Timeline of the Cold War*. Harry S. Truman Presidential Library, https://www.trumanlibrary.gov/public/TrumanCIA_Timeline.pdf

48 John E. Tedstrom, *Beyond Consolidation: U.S. Government International Broadcasting in the Post-Cold War Era* (Santa Monica: Rand, 1994), 3.

> The driving issue in the international broadcasting debate in 1992 and 1993, of course, was money. Together, the operating budgets of VOA and RFE/RL total approximately $500 million, split roughly between them. . . . Every day, U.S. international broadcasters speak to tens of millions of people worldwide. . . . The explosion of telecommunications technologies and their relative affordability have already led to an impressive shrinking of the globe. Whether by electronic mail, telephone, facsimile transmission, or television and radio, even long-isolated parts of the world are now more intimately linked to the larger global community. This suggests that international broadcasting and public diplomacy more generally can have an even larger impact on foreign affairs than they did during the Cold War.[49]

Tools of soft power such as the media proved to be massively important in shaping public opinion. The Soviet dissident Alexander Solzhenitsyn, whose works were broadcast frequently on both VOA and RL, wrote of "the mighty non-military force which resides in the airwaves and whose kindling power amid Communist darkness cannot even be grasped by the Western imagination." The President of Estonia Lennart Meri testified to the dramatic impact of the first VOA broadcast in Estonian and later nominated the RFE/RL for the Nobel Peace Prize. And Russian President Boris Yeltsin said: "[D]uring 3-4 days of the (failed 1991) coup, Radio Liberty was one of the very few channels through which it was possible to send information to the whole world and, most importantly, to the people of Russia, because now every family in Russia listens to Radio Liberty".[50]

The other issue that must be addressed is the economy of mass media, or, the issue of media mergers that have created a global media monopoly. Floyd Norris from *The New York Times* wrote on this topic in 1989, when Time Inc. merged with Warner Communications Inc.:

> Time is a leading book and magazine publisher with extensive cable television holdings, and Warner is a major producer of movies and records and has a large cable-television operation. The merger would create a new company, Time Warner Inc., with a stock market value of $15.2 billion and revenue of $10 billion a year. . . . The merger would ensure Time Warner a place in the 1990s as one of a handful of global media giants able to produce and distribute information in virtually any medium. The companies said the deal would help the United States compete against major European and Asian companies. 'Only strong American companies will survive after the formation of a unified European market in 1992,' said Steven J. Ross, chairman of Warner.[51]

What this and other relatively recent mergers in the media industry mean is that the ownership of the media is concentrated in only a few pairs of hands, which further means that a select few people have unprecedented control over the distribution of news, magazines, and other media content that is framed according to their interest: John Reidy, an analyst at Drexel Burnham Lambert Inc, described the deal as mind-boggling:

49 Tedstrom, *Beyond Consolidation*, 8-9.

50 Ibid, 4-5.

51 Floyd Norris, "Time Inc. and Warner to Merge, Creating Largest Media Company," *The New York Times*, March 5, 1989.

> What you've got is a company that will be the largest magazine publisher in the country, the world's most profitable record company, a cable television entity with more than 5.5 million cable subscribers, one of the world's largest book-publishing operations, and the country's largest supplier of pay-cable programming. . . . Time's properties include *Time*, *People*, *Money*, and *Sports Illustrated*, as well as Home Box Office, the pay-television operator; Time-Life Books, and the Book-of-the-Month Club. Warner owns Warner Bros., a major film producer, and a large record company, a major paperback book publisher, and cable-television systems. . . . Time Board Members Applaud,

wrote Norris in his article.[52] And, as expected, these mergers in the media industry were the main concern of numerous media institutions striving to protect the media market from monopoly. Still, the consolidation of media ownership continues to this day.

Just to name a few names: firstly Rupert Murdoch, Australian born American newspaper publisher, and media mogul:

> [B]y the time that Murdoch acquired his first British newspaper in 1969 – the *News of the World* of London – he had put together a proven formula for boosting circulation, which entailed an emphasis on crime, sex, scandal, and human-interest stories with boldface headlines, prolific sports reporting, and outspokenly conservative editorializing. This formula was successful with both the *News of the World* and *The Sun*, a London daily that he acquired the following year. In 1973 Murdoch entered the American newspaper business by purchasing two San Antonio, Texas, dailies, one of which – the *San Antonio News* (later the *Express-News*) – he transformed into a sex-and-scandal sheet that soon dominated the city's afternoon market. In 1974 he introduced a national weekly sensationalist tabloid, the *Star*, and in 1976 he purchased the afternoon tabloid the *New York Post*, but in the late 1980s he sold both, profitably; he repurchased the *Post* in 1993.
>
> He also purchased the *Boston Herald American* from the Hearst Corporation in 1982 and changed the name to the *Boston Herald* (sold 1994). He bought *TV Guide* in 1988 (sold 2008). Overall in the 1980s and 90s, he bought and later sold several American publications – such as the *Chicago Sun-Times*, the *New York City Village Voice*, and the *New York Magazine*. Among Murdoch's diverse publications were some more conventional and respected newspapers, such as *The Times* of London and the *Sunday Times* (both acquired in 1981) and the *Australian* (a national daily that he established in 1964). Murdoch took up residence in the United States in 1974 and became a naturalized US citizen in 1985, based in New York City. In the 1980s and 90s, Murdoch amassed major holdings in other communications ventures, including radio and television stations and video, film, and record companies, as well as book publishing.
>
> In 1985 he acquired the Twentieth Century-Fox Film Corporation (later called 20th Century Fox) and bought several independent American television stations from Metromedia, Inc., and then consolidated both these ventures into a new company, Fox, Inc., which has since become a major broadcast television network in the United States, rivaling ABC, CBS, and NBC. He bought the Australian newsgroup the *Herald and Weekly Times Ltd*. in 1987. He thereafter purchased some book-publishing

52 Ibid.

companies including, in the United States, the prestigious Harper & Row Publishers (1987), the religious publisher Zondervan (1988), and the giant textbook and trade publisher Scott, Foresman & Company (1989), and, in the United Kingdom, the venerable William Collins plc (1989). These companies and some operations in Australia and New Zealand were merged in 1989 as HarperCollins Publishers. In Britain in 1989 Murdoch inaugurated Sky Television, a four-channel satellite service, which merged with the rival British Satellite Broadcasting in 1990 to become British Sky Broadcasting (BSkyB). In 2014 the company was renamed Sky after it acquired various sister companies in Europe.[53]

Another example of a media mogul was Ted Turner:

In 1970 Turner bought the UHF TV station Atlanta, and within three years he made it one of the few truly profitable independent stations in the United States. In 1975 Turner's company was one of the first to use a new communications satellite to broadcast his station (later renamed WTBS, or TBS, the Turner Broadcasting System) to a nationwide cable television audience, thereby greatly increasing revenues. To reflect the business's shift from billboards, Turner renamed it Turner Communications Company, and in 1979 the venture became known as Turner Broadcasting System, Inc. Turner went on to create two other highly successful and innovative cable television networks: CNN (Cable News Network; 1980), the first 24-hour news channel, and TNT (Turner Network Television; 1988).

Through the Turner Broadcasting System, he also purchased the Atlanta Braves major league baseball team in 1976 and the Atlanta Hawks professional basketball team in 1977. In 1986 he bought the MGM/UA Entertainment Company, which included Metro-Goldwyn-Mayer's library of more than 4,000 films. Turner set off a storm of protest when he authorized the "colorizing" of some of the library's black-and-white motion pictures. The large debt burden sustained from these purchases compelled Turner almost immediately to sell off not only MGM/UA but also a share of the Turner Broadcasting System, Inc., though he retained control of it. He also kept ownership of the MGM movie library, which included many Hollywood classics. Turner resumed the expansion of his media empire in the 1990s with the creation of the Cartoon Network (1992) and Turner Movie Classics (1994). He also oversaw the purchase (1993) of two motion-picture production companies, New Line Cinema and Castle Rock Entertainment. In 1996 the media giant Time Warner Inc. acquired the Turner Broadcasting System for $7.5 billion.

As part of the agreement, Turner became a vice-chairman of Time Warner and headed all of the merged company's cable television networks. When Time Warner merged with Internet company AOL in 2001, Turner became vice-chairman and senior adviser of AOL Time Warner Inc. In 2003 he resigned as vice-chairman of that company, and three years later Turner announced that he would not seek reelection to its board of directors.[54]

53 "Rupert Murdoch: Scandal and Reorganization," in *Encyclopædia Britannica*, https://www.britannica.com/biography/Rupert-Murdoch/Scandal-and-reorganization

54 "Ted Turner," in *Encyclopædia Britannica*, https://www.britannica.com/biography/Ted-Turner

Now, CNN is "established as the premier global television news channel" in the words of Robert McChesney in his article:

> CNN International, a subsidiary of CNN. . . . beamed via ten satellites to over 200 nations and 90 million subscribers by 1994, a 27 percent increase over 1993. The long-term goal for CNN International is to operate (or participate in joint ventures to establish) CNN channels in French, Japanese, Hindi, Arabic, and perhaps one or two other regional languages. CNN launched a Spanish-language service for Latin America in 1997, based in Atlanta. CNN International will also draw on the Time Warner journalism resources as it faces new challenges from news channels launched by News Corporation and NBC-Microsoft.[55]

Nationally- and state-owned news distribution channels gave way to a few corporations who created media conglomerates through a series of mergers and acquisitions, effectively removing competition and contributing to a new definition of democracy, since this behavior is so far removed from the actual democratic government:

> Until the 1980s, media systems were generally national in scope. While there have been imports of books, films, music, and TV shows for decades, the basic broadcasting systems and newspaper industries were domestically owned and regulated. Beginning in the 1980s, pressure from the IMF, World Bank, and U.S. government to deregulate and privatize media and communication systems coincided with new satellite and digital technologies, resulting in the rise of transnational media giants. . . . The two largest media firms in the world, Time Warner and Disney, generated around 15 percent of their income outside of the United States in 1990. By 1997, that figure was in the 30 percent-35 percent range.
>
> Both firms expect to do a majority of their business abroad at some point in the next decade. The global media system is now dominated by the first tier of nine giant firms. The five largest are Time Warner (1997 sales: $24 billion), Disney ($22 billion), Bertelsmann ($15 billion), Viacom ($13 billion), and Rupert Murdoch's News Corporation ($11 billion).[56]

Attempting to simplify this view on media centralization through concentration of ownership leads to the same conclusion McChesney reached in his article in *The Nation*:

> In short order, the global media market has come to be dominated by the same eight transnational corporations, or TNCs, that rule US media: General Electric, AT&T/ Liberty Media, Disney, Time Warner, Sony, News Corporation, Viacom and Seagram, plus Bertelsmann, the Germany-based conglomerate. At the same time, many new firms and different political and social factors enter the picture as one turns to the global system, and the struggle for domination continues among the nine giants and their closest competitors.

55 Robert McChesney, "The Global Media Giants: We are the world," *Fair*, November 1, 1997.
56 McChesney, "The Global Media Giants."

> But as in the United States, at a global level this is a highly concentrated industry; the largest media corporation in the world in terms of annual revenues, Time Warner (1998 revenues: $27 billion), is some fifty times larger in terms of annual sales than the world's fiftieth-largest media firm. A few global corporations are horizontally integrated; that is, they control a significant slice of specific media sectors, like book publishing, which has undergone extensive consolidation in the late nineties.[57]

Music, movies, cartoons, and everything that falls under the umbrella of art, culture, and industry of entertainment can be added to this list. The stage was set to begin the global process of winning the hearts and minds of the people. The only requirement left in order to exercise a truly global power and reach was an opportunity, which arose in the form of the crisis in the Balkans: "A win in the Balkans would establish US leadership in the post-Cold War world in a way that Operation Desert Storm never could",[58] according to George Kenney and Michael J. Dugan in *The New York Times* in 1992. This leads us to Operation Balkan Storm and the bloody dissolution of the former Yugoslavia.

2.4. Dissolution of the Socialist Federal Republic of Yugoslavia

In November 1992, George Kenney and Michael Dugan published an article in *The New York Times* titled *Operation Balkan Storm: Here's a Way*. Likely based on insider information, the two authors had published the plan that eventually won the bloody civil war in the Balkans. Below are some key points.

The first step was to build a coalition:

> The U.S. should not act unilaterally - that was the mistake we made in Vietnam. . . . A coalition is possible only through ad-hoc arrangements. Three allies, Great Britain, France, and Italy, must be included; they provide staging bases and a limited number of air, naval, and ground forces that support a U.S. dominated air power operation. The coalition arms and trains Bosnian forces, who conduct unconventional operations on the ground to recover their country.[59]

The next, to persuade Russia to participate:

> President Clinton persuaded several allies to agree to this plan. Here, Russia is a key player. Were Russia to disapprove at the start, the coalition would still keep it fully informed while leaving the door open for cooperation. There is reason to believe Russia could be talked into participating: it has a natural interest in being seen as a player on the world stage in this peace-making effort.[60]

57 Robert W. McChesney, "The New Global Media," *The Nation*, November 11, 1999.
58 George Kenney and Michael J. Dugan, "Operation Balkan Storm: Here's a Plan," *The New York Times*, November 29, 1992, https://www.nytimes.com/1992/11/29/opinion/operation-balkan-storm-here-s-a-plan.html
59 Kenney and Dugan, "Operation Balkan Storm."
60 Ibid.

Then, ensuring that the UN humanitarian personnel become Serbian targets, which would result in suspending

> U.N. operations and deliveries of humanitarian relief. . . . The U.N. operations are thus subordinated to larger war aims.
>
> But with coalition support, the armed Bosnians are as able as the U.N. to deliver aid. In addition, the United States drops food packages on refugee areas from planes flying above the ground fire. Bosnian forces create "safe haven" areas, which help prevent the depopulation of Bosnia and save tens of thousands of lives. The havens also keep hundreds of thousands of refugees out of Western Europe.[61]

The next step would come in two phases:

> [F]irst, destroying Serbian forces in Bosnia and, second, using concentrated force against Serbia itself. In phase one, the U.S. uses AWACS aircraft and F-15 fighters to establish visible allied air supremacy over all the territory of the former Yugoslavia. Next, Serbian heavy artillery and armored units in Bosnia are prime targets for airstrikes. British and French infiltration teams deploy anti-battery radar to locate Serbian artillery positions near areas under siege.[62]

The rest of the plan explains the use of technology to destroy Serbs by all means.

> Technology using carbon-fiber strands allows us to render useless Serbia's electricity grid, without destroying it, so that once hostilities cease power may be restored. Another technology allows us to turn petroleum products in refineries and storage tanks into useless jelly, without destroying the facilities. We destroy Serbian communication installations. At the same time, we take over Serbian airwaves to make our intentions to end the war clear to the Serbian people. That is a war the Serbians cannot win.[63]

The operational costs for the planning side would be relatively low: "There are indications that, if asked, Saudi Arabia would be willing to consider paying a substantial share of these costs. Other states would also likely contribute," George Kenney and Michael J. Dugan pointed out.[64]

This plan was created by President Bill Clinton's advisers as a third alternative to the options faced by Clinton's predecessor, George H. W. Bush, which were "either doing nothing or sending in hundreds of thousands of ground troops," they further said.[65] Also, this plan

61 Ibid.
62 Ibid.
63 Ibid.
64 Ibid.
65 Ibid.

showed that the beginning of the Clinton era was the official start of the involvement of the United States in the civil war in the Balkans.

Without going too far into the past, it should be pointed out that the intelligence community was very well aware of the internal processes, main actors, events, and prospects that led to the dissolution of former Yugoslavia. For example, in an analysis by the CIA Office of National Estimates dating all the way back to 1971, almost a full decade before the death of Josip Broz Tito, titled *Yugoslavia: An Intelligence Appraisal*[66] (CIA, 1971), the CIA tried to answer a basic question: Can Yugoslavia survive as a single state without Tito?[67] According to that analysis, the economy was at the core of antagonism between the former Yugoslav republics that had started to express and fight for their national identities:

> Inflation, foreign trade deficits, unemployment, and economic disagreements between individual republics are all on the rise. And in the face of these problems, the principal national power centers, the top command of the Communist Party, and the federal government in Belgrade, sometimes appear to be indecisive. The future of Yugoslavia without Tito thus appears, at the least, to be uncertain.[68]

For most intelligence analysts involved in preparing the 1971 CIA analysis, the core dilemma was "will, in fact, Yugoslavia outlive Tito?"[69] Yugoslavia was, in effect, a hybrid state, an experiment that was a perfect choice in Europe during the Cold War.

The decentralized, federal and socialist country was a role model for other Soviet satellite states, in the sense that a third option, other than the two blocs of the Cold War, was indeed possible. However, the early 70s brought about new developments that worried the West. According to one declassified document dated September 27, 1972, the CIA had a Memorandum entitled *Yugoslavia – The Ustashi and the Croatian Separatist Problem*. Sixteen pages long, well-documented, the paper detailed the first serious political crisis that threatened to trigger disintegration of the federal state due to the rising nationalist movements:

> The hijacking of the SAS plane in Sweden and the bombing of two Yugoslav tourist offices in Australia by Croatia émigré terrorists (Ustashi) (sic) are the most recent episodes in a series of dramatic and violent acts intended, among other things, to demonstrate to the world the undying hatred born by Croatian patriots for Tito and the unified Yugoslav state. Belgrade has for some time been concerned about Ustashi's actions abroad and alleged Ustashi complicity in Croatian separatist stirrings at home. It is apprehensive that the problem may be growing, partly as a consequence of Ustashi activities within large colonies of Yugoslav workers in the West. . . . Like Al

66 Prepared by the Office of National Estimates, CIA, Representatives of the Intelligence Community Concurring in its Major Judgment, July 27, 1971.

67 *Yugoslavia: An Intelligence Appraisal (in response to NSSM 129)*. July 27, 1971. Central Intelligence Agency, 1, https://www.cia.gov/library/readingroom/document/cia-rdp79r01095a001300010006-1

68 Central Intelligence Agency, *Yugoslavia. An Intelligence Appraisal*, 2.

69 Ibid.

> Fatah and the IRA, the Ustashi represent only the militant peak of a large movement whose beliefs and resentments and aspiration are rooted in a troublesome past and are nourished by the prospect of a turbulent future.[70]

This 1972 CIA analysis further stated that the Yugoslav officials had tried to obtain support from Western governments, seeking cooperation in dealing with the migrant groups operating with the aim of destabilizing the country:

> Austria, Australia, West Germany, France, Sweden, Canada, and the United States are known to have been the targets of these diplomatic efforts. The lengthy aide-mémoire submitted to Washington last month is devoted almost entirely to Croatian émigré groups. Serbian émigré groups are given very little space, apparently because Belgrade does not consider them a major threat at this time. Presumably, the Croatian element dominated the aide-mémoire addressed to the other Western capitals as well.[71]

Almost a decade later, on May 29, 1980, the CIA filed another memorandum on *Yugoslav Émigré Extremists*.[72] In the summary of that memorandum, the CIA concluded:

> Since the end of World War II, Croatian and Serbian émigré groups have been particularly active in terrorist attacks against Yugoslav installations abroad. Most of their activity has been conducted in Australia, West Europe, the United States, and Canada. . . . The main émigré groups are made up of Croatian separatists who want to establish an independent Croatian state and Serbian nationals who want to overthrow the Communist system and restore Serbian dominance over Yugoslavia. These conflicting goals underscore the bitter ethnic rivalry between the two groups and their many subgroups, who often disagree on tactics.
>
> The one feature they all share has been an intense animosity for Tito and the Communist Yugoslavia he built. Croatian separatists are the most numerous and the best organized, but the lack of unity among the various exile organizations has reduced their effectiveness. This memorandum consolidates available information on the leading individuals and groups that make up the Yugoslav émigré movement. It also reviews their past activities to provide a better understanding of the extremes to which they may be prepared to go in the future. The paper does not address émigré groups or individuals in the United States.[73]

70 CIA Office of National Estimates. *Yugoslavia – The Ustashi and the Croatian Separatist Problem* (official memorandum), 27 September 1972, 1-12.

71 CIA Office of National Estimates. *Yugoslavia – The Ustashi*, 1-12.

72 This paper was prepared by USSR-EE division, Office of Political Analysis, and was coordinated with the Office of Central Reference, the International Issues Divisions/OPA, and with several offices within the Directorate of Operations. It was requested by the Department of State, Research of Operations. Research was completed on 9 May 1980. Questions and comments may be addressed to Chief, East Europe Branch, OPA.

73 CIA National Foreign Assessment Center, *Yugoslav Émigré Extremists*, 29. May 1980, 1-3.

The memorandum named all organizations, individuals, methods, weapons, and a list of terrorist attacks all over Europe. The Yugoslav secret service carried out many assassinations abroad in order to prevent the émigré groups from gaining solid ground in Yugoslavia. Mutual assassinations were also carried out. A notable feature, however, was the link between émigré individuals and organizations, semi-émigré groups and some sort of distance from Western governments in helping Yugoslavia to solve this serious émigré issue, as noted in the 1980 CIA assessment:

> The outright assassination attempts have resulted in numerous deaths over the years. The extremists seem interested in harming only Yugoslavs, although some of their bombings have killed or injured innocent bystanders. In a situation where they hold non-Yugoslav hostages the extremists are likely to give in to firm pressure rather than harm those people who have nothing to do with their "war" against Yugoslavia. They do, however, take the opportunity to gain maximum notoriety for their cause.[74]

In November 1970, the CIA published a 72-page study entitled *Yugoslavia: The Outworn Structure* that included a detailed analysis of the politics, economy, Communist cadre, and other factors that called attention and caused worry about the post-Tito state experiment:

> This study calls attention to particularist forces which have decentralized political authority and control within Yugoslavia to an extent unequaled in any Communist society. Whether these forces will undermine centralism is now at issue in the Yugoslav debate, and the outlook for post-Tito stability will not become clear for some time. . . . Yugoslavia's character is in the process of change, and the consequences of the eventual outcome federalist-centralist, tyrant-collegiumare of a growing moment for the Yugoslavs, the Russians, and the West.[75]

After the event known in history as the Croatian Spring, Malcolm W. Browne covered the aftermath for *The New York Times* in 1976:

> The unrest, such as it was, was put down as swiftly and effectively as was the brief surge of liberalism in Czechoslovakia in 1968. Since then, dozens of Croatian groups abroad, representing a wide range of political tendencies, have continued their criticism of the Belgrade Government. In some cases, criticism has been mixed with terrorism. Various Yugoslav representatives abroad have been assassinated, bombs have been planted in Yugoslav offices outside the country, and earlier this month, an American airliner was hijacked by Croatian émigrés who wanted to publicize their cause.[76]

74 CIA National Foreign Assessment Center, *Yugoslav Émigré Extremists*, 1-3.

75 Hal Ford, *Intelligence Report - Yugoslavia: The Outworn Structure* (official memorandum), Central Intelligence Agency, 20 November 1970, https://www.cia.gov/library/readingroom/document/5077054e993247d4d82b6ab3

76 Malcolm W. Browne, "Croats in Yugoslavia Charge Discrimination," *The New York Times*, September 28, 1976.

In the article, Browne gave a short history of the activities of Croatian nationalists, focusing on what the thenYugoslav leader Tito did to silence those voices:

> He (Tito) stunned the nation by announcing that Croatia was in the grip of "rotten liberalism," and that the whole country was endangered by a "Croatian counter-revolution." The President initiated a purge of the Croatian Communist Party, installed a new republic government, replaced various Croatian army and police officers, dismissed a number of judges, applied new restraints on the university, and closed many publications. An 11-day student strike in Zagreb was suppressed, and hundreds of people were arrested. Those found guilty in subsequent trials of having written articles for periodicals in support of a more liberal government in Croatia received particularly long sentences.[77]

Ideological leaders, as Browne wrote, were sent to the Stara Gradiška prison.

Dozens of terrorist attacks, dating all the way back to 1962, had been committed by the Croatian émigré groups, sending a clear message: Independent Croatia. Several CIA reports listed all of the major terrorist attacks. Those voices were silenced for a while, but, as we are about to analyze, the sentiment remained until the dissolution of Yugoslavia. Among this serious trend, other factors paved the way for what is known as the bloody civil wars. In September 1979, the CIA Directorate issued an intelligence estimation entitled *Prospects For Post-Tito Yugoslavia*.[78] In its introduction, the early 80s were described as:

> [P]robably. . . . a time of troubles in Yugoslavia. The precipitant will be the incapacitation or death of President Josip Broz Tito, whose role in the creation and preservation of contemporary Yugoslavia has been so large that one cannot be confident it will prove dispensable. . . . During the past several years, and especially since the June 1978 Yugoslav Party Congress, a number of developments that had seemed conducive to a relatively smooth and orderly post-Tito succession have lost momentum. Simultaneously, a number of countervailing developments have ensued. . . . We remain fairly confident that Tito's passing, in and of itself, will not during the first six months or so pose a threat to the integrity or independence of the Yugoslav state. It will, however, reduce the regime's ability to manage domestic and foreign challenges, which are likely to be more severe in the post-Tito period than they have been in the 1970s. Moreover, the high degree of internal political solidarity that will probably characterize the immediate post-Tito succession is unlikely to persist. In consequence, the country will enter a period, probably prolonged, of great uncertainty and potential instability.[79]

77 Browne, "Croats in Yugoslavia."

78 This estimate is issued by the Director of Central Intelligence, the National Foreign Intelligence Board, the intelligence organizations of the Department of State and Defense, and the National Security Agency. Also Participating: The Assistant Chief of Staff for Intelligence, Department of the Army, the Director of Naval Intelligence, Department of Navy, the Assistant Chief of Staff, Intelligence, Department of the Air Force, the Director of Intelligence, HQ, Marine Corps.

79 Central Intelligence Agency, "Prospects for Post-Tito Yugoslavia," *National Intelligence Estimate*, September 25, 1979, 1.

As estimated, political unrest was anticipated to follow Tito's death. Although he had left some guidelines in place for the period following the end of his leadership, such as a collective Presidency, the CIA intelligence estimation made it more than clear that his successors would be responsible for keeping the federal state together:

> Weakened central leadership will make it more difficult for the post-Tito regime to manage what are in any case likely to be increased economic problems. At a minimum, their lack of charismatic authority will deprive Tito's successors of an asset that has helped to prevent economic crisis during the 1970s, when the effects of high inflation (averaging 17 percent per annum), large deficits in the balance of payments, growing regional economic disparities, and fluctuations in the growth of consumption, associated with wide swings in overall growth rates, have threatened to get out of hand. . . . while a military intervention might temporarily stabilize a crisis situation, the longer-term prospect would remain one of potential instability and unrest, with an appreciable chance of ultimate civil war.[80]

The lifetime authoritarian ruler of Yugoslavia, Josip Broz Tito, died in 1980. According to information used in the August 30, 1983, CIA Intelligence Estimate titled *Yugoslavia: Trends in Ethnic Nationalism,* the key points were:

> The intensity of ethnic rivalry has been increasing since the death of Josip Broz (Tito) in 1980 because the cumbersome decentralized system Tito bequeathed is beset by economic crisis, reflected in a widening gap between the prosperous north and the poorer south and a growing perception among Yugoslav peoples that their collective leadership is inadequate. . . . Yugoslavia's long-term stability is likely to depend on the relationship between its endemic ethnic disputes, fragile economic prospects, and cumbersome, decentralized political structures.[81]

An analysis of all possible factors that may destabilize the country for some time, included in a declassified CIA intelligence estimate titled *Yugoslavia Transformed* (1990) acknowledged that Yugoslavia, as a federal state, would cease to exist within one year,

> and will probably dissolve within two. Economic reform will not stave off the breakup. . . . Serbia will block Slovene and Croat attempts to form an all-Yugoslav confederation. . . . There is little the United States and its European allies can do to preserve Yugoslav unity. Yugoslavs will see such efforts as contradictory to the advocacy of democracy and self-determination.[82]

80 Central Intelligence Agency, "Prospects for Post-Tito Yugoslavia,"2-4.

81 Central Intelligence Agency, "Yugoslavia – Trends in Ethnic Nationalism," *An Intelligence Assessment*, September 1983.

82 Central Intelligence Agency, "Yugoslavia Transformed," *National Intelligence Estimate*, October 18, 1990.

All of these well-documented facts led to the inevitable at exactly the wrong moment in the history of this Balkan state – the end of the so-called Yugoslav Experiment. According to journalist Celestine Bohlen in the May 16, 1991 issue of *The New York Times*, Serbia was the one to blame for triggering the constitutional crisis by blocking the installation of a Croat as federal President:

> The leadership of Serbia plunged this volatile country into a constitutional crisis today by blocking the installation of a Croat as federal President, a position that in the decade since the death of Tito has automatically rotated each year among the six republics. The maneuver by Serbia, the largest of the country's six republics, was seen as a last-minute attempt to maintain dominance over the fragile federation.[83]

Instead of showing some possible resolutions to the blocked federal Presidency, the dispute between Serbs and Croats was certain to lead to further deterioration, as Bohlen pointed out in the same article:

> Although many experts on Yugoslav politics suggested that Serbia was bluffing in the hope of getting political concessions, they warned the consequences of the move were still dangerous. **"**Fingers are on the trigger all over the place," said one Western diplomat. "This has taken us to the top of the political crisis with unforeseen political consequences for all of us", said Vasil Tupurkovski, Macedonia's representative on the presidency, after learning an hour before the meeting of Serbia's intentions. "I am struck by the irresponsibility of the decision.
>
> Both Yugoslav and foreign observers interpreted Serbia's move as a bold attempt to keep control over the national political dialogue as the country lurches from crisis to crisis. Privately, Serbian leaders have said they can not accept a Croatian president at a time when other top positions in the federal government are held by Croats, among them Prime Minister Ante Marković.[84]

Bohlen also pointed out that Mr. Slobodan Milošević arose as a new Serbian leader who rebranded the Communist Party as socialist, and who was re-elected as the leader of the Socialist Party in December 1990. Elaborating on the background of the recent event, *The New York Times* explained the fears that had set in on both sides:

> Fears that an attempt to block Mr. Mesić's succession grew two weeks ago after 12 Croatian policemen and 3 Serbian civilians were killed in a shootout in a village in eastern Croatia. In Croatia, the incident was widely seen as a provocation by Serbia designed to precipitate a state of national emergency which would lead to a suspension of the presidency, and effectively block Mr. Mesić's succession. But such speculation

83 Celestine Bohlen, "New Crisis Grips Yugoslavia Over Rotation of Leadership," *The New York Times*, May 16, 1991, https://www.nytimes.com/1991/05/16/world/new-crisis-grips-yugoslavia-over-rotation-of-leadership.html

84 Bohlen, "New Crisis Grips Yugoslavia."

> subsided last week after the killing of a soldier by Croatian demonstrators in Split, on the Adriatic coast. That incident forced a political compromise on the disarming of illegal militias on both sides. Western diplomats were also reassured after Mr. Milošević said as late as last Friday that Mr. Jović would step down today and that the normal rotation would take place, meaning that Mr. Mesić, who has served as vice president in the last year, would ascend to the top post under the established formula.
>
> Several Western governments, which had been watching the growing crisis in Yugoslavia with alarm, sent strong messages to Belgrade saying they regarded the orderly succession of Mr. Mesić as a test of Serbia's commitment to a democratic and non-violent solution for Yugoslavia. Croatia, too, had made clear that it would regard any denial of its right to assume the country's highest office as an attack on its sovereignty. "In that case, Croatia would act in the only way possible – it would secede from Yugoslavia," Mr. Mesić said at a news conference yesterday. Slovenia, the northernmost republic, has already set June 26 as its deadline for declaring independence.[85]

The article in *The New York Times* saw the debate over what type of a future federal state the republics would seek as a constitutional debate over the centralized state that Serbia sought, (according to Bohlen in *The New York Times*) or more autonomy for the republics that Croatia and Slovenia sought:

> While Croatia and Slovenia have been pressing for greater autonomy within a loosely confederated Yugoslavia, Serbia, under Mr. Milošević's leadership, has insisted on a more centralized state. One of Serbia's chief concerns is the fate of Serbs living outside the republic's boundaries, in particular the 600,000 Serbs who for centuries have inhabited the eastern region of Croatia. The constitutional debate, which has virtually paralyzed the federal Government and pushed the Yugoslav economy to the brink of collapse, has been overshadowed by an outburst of nationalist fervor. The danger, many experts say, is that the leaders of both Serbia and Croatia are now being held captive by the nationalism that they themselves unleashed.[86]

Nevertheless, the hope for a solution, or at least for a method of easing tensions, was seen in Mr. Mesić's "negotiating skills", Bohlen wrote, ending the article.

Two days later, on May 18, 1991, Celestine Bohlen again reported for *The New York Times* that Yugoslavia had failed to elect a Presidency and that the Prime Minister Mr. Ante Marković had named a special coordinating team including the Minister of Defense, General Veljko Kadijević, who would be in charge of keeping the peace:

> For the second time in two days, Serbia and its allies on the eight-member presidency, as Yugoslavia's governing federal council is called, blocked the election of Stipe Mesić, the Croatian representative, as federal President. Mr. Mesić, the outgoing Vice President, is entitled to the job under the rules of rotation in Yugoslavia's Constitution. Mr. Mesić, joined by representatives of the republics of Slovenia and Macedonia,

85 Ibid.
86 Ibid.

> walked out of the session held here in the federal capital and declared that in spite of the deadlock, he considers himself Yugoslavia's President.
>
> "No one else can perform this function," said Mr. Mesić, a 57-year-old lawyer, who returned to the Croatian capital, Zagreb, as other members of the presidency continued to meet in Belgrade. As chairman of the presidency, the President is head of state and commander of the armed forces. "In the shortest possible time, they should call me after they complete the voting, or Croatia will not be able to stand this insult," said Mr. Mesić. "For Croatia, it will mean that the presidency is no longer legitimate and Croatia will no longer be obligated to honor any of its decisions." Many here had feared that the failure to pass the President's job to Croatia would propel the republic's nationalist government toward a unilateral move on independence, following the lead of Slovenia, a republic that has already said it will declare independence on June 26. Early signals from Zagreb indicate that Croatia will not rise to what many see as Serbia's bait.[87]

"It is very good for Croatia to wait now, to show people Serbian robbery and Serbian politics against the Constitution," said Zvonko Lerotić, a deputy to the Croatian President, Franjo Tuđman," *The New York Times* reported.[88] In the same article, a Serbian representative, Mr. Borisav Jović, explained that "he could not support a president who has spoken in favor of the dissolution of Yugoslavia." By the beginning of December the same year, on December 6, 1991, Mr. Mesić resigned, which was reported by Danica Kirika and Carol J. Williams in *The Los Angeles Times*:

> Declaring his job irrelevant because Yugoslavia no longer exists, Croatia's Stipe Mesić resigned Thursday as president of the disintegrating Balkan federation. The gesture was mostly symbolic since Mesić exercised little influence in the collective presidency, which has been paralyzed by the same political, ethnic, and religious strains that have broken up Yugoslavia and plunged its people into a deadly war.
>
> "I think I've accomplished my duty – and Yugoslavia does not exist anymore," Mesić said in a statement to the Croatian Parliament.[89]

Kirika and Williams further reiterate that Mr. Mesić's inauguration had been blocked for almost six weeks, fraught with controversy:

> [W]ith the four presidency members loyal to Serbia blocking his inauguration for six weeks, then vetoing all attempts to rein in the renegade federal army. In an interview in the Croatian capital of Zagreb after his resignation, Mesić said he decided it was absurd to continue in the post because his orders as commander in chief of the armed

87 Celestine Bohlen, "Yugoslavia Fails to Fill Presidency," *The New York Times*, May 18, 1991, https://www.nytimes.com/1991/05/18/world/yugoslavia-fails-to-fill-presidency.html

88 Bohlen, "Yugoslavia Fails to Fill Presidency."

89 Carol J. Williams and Danica Kirika, "Mesic Resigns Presidency, Says Yugoslavia No Longer Exists," *Los Angeles Times*, December 6, 1991, https://www.latimes.com/archives/la-xpm-1991-12-06-mn-633-story.html

> forces were being ignored. "I feel as if a stone has fallen from my heart," Mesić said, professing relief at his departure from a lame-duck position.
>
> Yet he argued that both taking the job in early July, and now leaving it, helped Croatia in moving toward independence. "I had to say in the name of Yugoslavia that there is no Yugoslavia," Mesić said. He blamed Yugoslav Defense Minister Veljko Kadijević and Serbian President Slobodan Milošević for the bloody fratricide racking Yugoslavia, saying the pair plotted to bring the war to Croatia. "Now it's Yugoslavia's problem. Tomorrow it's Europe's problem," Mesić said, warning that the war would spread if left unchecked by foreign mediators. "Then it will be the world's problem."[90]

Not too long after, it had indeed become Europe's and the world's problem. From today's perspective, it is rather simple to follow leads towards a better understanding of the carnage that swept the federal and socialist European state that many had regarded as a Cold War experiment. Nowadays, we have so many sources, access to so many declassified materials that tell quite a different story from a couple of decades ago. As has been said before in a few declassified CIA analyses it is rather obvious that political economy had been at the core of the dissolution of former Yugoslavia, and yet, this simple explanation is typically omitted from many analyses performed to date.

2.4.1. Political Economy and the Political Context of Ending the "Yugoslav Experiment"

At first, many scholars rationalized the violent dissolution of Socialism and the Federal Republic of Yugoslavia as an inevitable outcome of deeply seated ethnic hatred. In their perspective, the disintegration was the logical next step following the death of Josip Broz Tito in 1980, since the authoritarian rule that kept the Yugoslav republics together had died with him, and the battle for Tito's legacy had started. Nevertheless, others regarded this as an oversimplified explanation. For example, in 2009, Susan Woodward wrote about the "alternative explanation of the Yugoslav collapse".[91] In 1995, Woodward published an extensive study of economic parameters that had a strong impact on the disintegration process, along with ethno-nationalistic movements that were born out of the economic crisis imposed by international actors. This well-known and oft-cited 556-page study, titled *Balkan Tragedy: Chaos and the Dissolution after the Cold War*, presents data that offers completely new insights into the carnage that swept former Yugoslavia. As has already been said, some of the key data referenced in Woodward's 1995 study coincides with the later declassified CIA analyses:

90 Williams i Kirika, "Mesic Resigns Presidency."

91 Susan L. Woodward, "The Political Economy of Ethno-Nationalism in Yugoslavia" in *Fighting Identities: Race, Religion and Ethno-Nationalism, Social Register*, vol. 39 (London: Merlin Press, 2009), 74.

> As early as 1955, Yugoslavia's borders were open to the movements of its citizens, foreigners, and trade. Since 1949 it had regularly negotiated loans from the International Monetary Fund (IMF) and implemented marketizing and decentralizing economic reforms to satisfy IMF conditions and, between 1958 and 1965, the condition of membership in the General Agreement on Tariffs and Trade (GATT). The consequence was a socialist country with extensive economic liberalization and political decentralization, earning association agreements with the European Community (EC) and European Free Trade Association (EFTA) long before the nations of central Europe made their requests. Even after a decade of economic hardship and political uncertainty in 1979-89, the relative prosperity, freedom to travel and work abroad, and landscape of multicultural pluralism and contrasts that Yugoslavs enjoyed were the envy of eastern Europeans.[92]

For most average citizens in Europe and the rest of the world, it was rather shocking to see this country, with its so-called third way of living between the two Blocs that had been bitter Cold War enemies, simply disintegrating in a bloody and brutal manner. Between the fall of the Berlin Wall (1989), the start of the war in Bosnia (1992), a policy of austerity and hard economic reforms applauded by some Western advisers, creditors, and counsels; coupled with the loss of the centralized political rule of the Communist Party and the ensuing secessionist movements, as well as the declaration of independence of Slovenia and Croatia, Yugoslavia had vanished in the most surprising, brutal and high-speed manner.

Today, many regard Woodward's book as the manual to understanding the Yugoslav crisis from an alternative perspective, far from the mainstream. The less known background of this crisis that originated decades before Yugoslavia exploded includes austerity measures and tough economic reforms and liberalization due to international policy of conditioning. Those interventions brought upheaval from the outside to many countries in Europe in the 80s, especially as economic reforms set the stage for political and social turmoil all over the Old Continent. In order to be able to appreciate the nature, causes, and the background of the crisis, it is necessary to first understand all parties that influence the way of life in a country: "to explain the Yugoslav crisis as a result of ethnic hatred is to turn the story upside down and begin at its end," wrote Woodward.[93] She was right; and although the perspective that she took was a path that few scholars had followed since the media outrage that accompanied the wars in Yugoslavia had effectively threatened to have all scientists dedicated to objective reasoning without bias or desire to take a side of the conflict labeled as conspiracy theorists, she was not alone. There were, for example, Michael Chossudovsky[94], professor emeritus of Economics at the University of Ottawa, Philipp Baum[95], and others.

92 Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington D.C.: Brookings Institution Press, 1995), 1-2.

93 Woodward, *Balkan Tragedy*, 15.

94 Michael Chossudovsky, *The Globalization of Poverty and the New World Order*, 2nd ed. (n.p.: Global Research, 2003), 259-260.

95 Philipp Baum, "The First Victim of Austerity? The Impact of the Worldwide "Neoliberal Turn" On the Breakdown of the Yugoslav Federation" (Essay written for summer semester Anthropology, Seminar: The Western Balkans as a Contact/Conflict Zone: Comparative Ethnologies of Conflict,

2.5. Global Political Context of the 90s

The circumstances that ended the Cold War era led to the fact that in the 90s the major and, essentially, the only global super-power was the United States of America. Regarding key decision-makers, this was the time of George H.W. Bush's Presidency. Mr. Bush (senior) was elected President of the United States on January 20, 1989. His mandate lasted until January 20, 1993. Apart from the fact that Mr. Bush strongly advocated the reunification of Germany, he was also a leader of the international coalition during the First Gulf War that forced Iraq to withdraw from Kuwait. His presidential campaign was that of a "strong leadership". Mr. James Baker was the Secretary of State from 1989 to 1992, Lawrence Eagleburger from 1992 to 1993, and General Colin Powell was the foreign policy adviser and Chairman of the Joint Chief of Staff. Dick Cheney ran the Department of Defense.[96]

Much later, in an episode of the show *Democracy Now!*, a long-time CIA analyst, Ray McGovern, spoke with his host, Amy Goodman, about Dick Cheney, Paul Wolfowitz, Donald Rumsfeld, and George Bush's attitude towards these people:

> Well, you know it's really interesting. When we saw these people coming back in town, all of us said who were around in those days said, oh my god, "the crazies" are back – "the crazies" – that's how we referred to these people. . . . When Wolfowitz prepared that defense posture statement in 1991, where he elucidated the strategic vision that has now been implemented, Jim Baker, Secretary of State, Brent Scowcroft, security advisor to George Bush, and George Bush said hey, that thing goes right into the circular file. Suppress that thing, get rid of it. Somebody had the presence of mind to leak it and so that was suppressed. But now to see that arise out of the ashes and be implemented while we start a war against Iraq, I wonder what Bush the first is really thinking. Because these were the same guys that all of us referred to as "the crazies". . . . He was promoting the idea that has now been implemented that we are the single superpower in the world and that we should act like it. We've got a lot of weight to throw around, we should throw it around. We should assert ourselves in critical areas, like the Middle East, and over the next few years, the Project for New American Century documents very much elucidate this kind of strategic vision and strategic plan. It's very much like *Mein Kampf*. . . . We mean to be the sole superpower, a dominant superpower in the world…[97]

Ray McGovern was a long-term CIA analyst who spoke with journalist Amy Goodman in 2003, accusing "President Bush of waging the Iraq war based on a series of lies".[98] In the excerpt shown above, Mr. McGovern spoke of the so-called Wolfowitz's doctrine that had somehow got leaked to the press and was then shoved into the bottom drawer. Some

Ethnonationalism and Europeisation). Martin-Luther-Universität Halle-Wittenberg, 2016, 1.

96 For more details, see The George Bush Presidential Library and Museum, Textual Archives, https://bush41library.tamu.edu/archives/

97 *Democracy Now!* 2003. "'The crazies are back': Bush Sr.'s CIA briefer discusses how Wolfowitz & allies falsely led the U.S. to War," Amy Goodman, producer, aired September 17, 2003, https://www.democracynow.org/2003/9/17/the_crazies_are_back_bush_sr

98 Amy Goodman, producer, "The Crazies are Back."

would say that this Policy Guidance was the actual policy on the ground. Paul Wolfowitz was deputy secretary of defense for policy together with others known as "hardliners" or, as the media preferred, the "hawks":

> "Wolfowitz basically authored a doctrine of American hegemony," says historian and foreign policy expert John Lewis Gaddis, "a doctrine in which the United States would seek to maintain the position that it came out of the Cold War with, at which there were no obvious or plausible challengers to the United States. That was considered quite shocking in 1992. So shocking, in fact, that the Bush administration, at that time, disavowed it."
>
> As the first President Bush left office, Wolfowitz's draft plan went into the bottom drawer, but it would not be forgotten.[99]

The New York Times published the inside story, together with excerpts from the *Wolfowitz Doctrine*:

> Though the document is internal to the Pentagon and is not provided to Congress, its policy statements are developed in conjunction with the National Security Council and in consultation with the President or his senior national security advisers. Its drafting has been supervised by Paul D. Wolfowitz, the Pentagon's Under Secretary for Policy. Mr. Wolfowitz often represents the Pentagon on the Deputies Committee, which formulates policy in an interagency process dominated by the State and Defense departments.[100]
>
> The document was provided to The New York Times by an official who believes this post-cold-war strategy debate should be carried out in the public domain. It seems likely to provoke further debate in Congress and among America's allies about Washington's willingness to tolerate greater aspirations for regional leadership from a united Europe or from a more assertive Japan.
>
> Together with its attachments on force levels required to ensure America's predominant role, the policy draft is a detailed justification for the Bush Administration's "base force" proposal to support a 1.6million-member military over the next five years, at a cost of about $1.2 trillion. Many Democrats in Congress have criticized the proposal as unnecessarily expensive.
>
> Implicitly, the document foresees building a world security arrangement that preempts Germany and Japan from pursuing a course of substantial rearmament, especially nuclear armament, in the future.
>
> In its opening paragraph, the policy document heralds the "less visible" victory at the end of the cold war, which it defines as "the integration of Germany and Japan into a U.S.led system of collective security and the creation of a democratic "zone of peace."
>
> The continuation of this strategic goal explains the strong emphasis elsewhere in the

99 *Frontline*, "War behind closed doors," Michael Kirk, producer, aired February 20, 2003 (Arlington: PBS, 2003), https://www.pbs.org/wgbh/pages/frontline/shows/iraq/etc/synopsis.html

100 "Excerpts from Pentagon's plan: 'Prevent the re-emergence of a new rival'," *The New York Times*, March 8, 1992, https://www.nytimes.com/1992/03/08/world/excerpts-from-pentagon-s-plan-prevent-the-re-emergence-of-a-new-rival.html

> document and in other Pentagon planning on using military force, if necessary, to prevent the proliferation of nuclear weapons and other weapons of mass destruction in such countries as North Korea, Iraq, some of the successor republics to the Soviet Union and in Europe.[101]

In the new post-Cold War structure of the world, it was expected the United States, as the only superpower that it was, would use this significant leverage it had. Europe was struggling with its new identity crisis and all of these external factors and actors, placed in the most unfortunate way for former Yugoslavia, sealed its tragic destiny – a bloody and brutal dissolution into pieces. The United States Army College led the Strategy Research Projects, and one of the reports issued as part of these projects was *Yugoslavia: Implications of an Unjust War* by Robert Saylor. In his analysis, he documented several key milestones:

> According to Michael Parenti, the Reagan administration issued US National Security Decision Directive 133, "United States Policy toward Yugoslavia" which was updated to advocate a "quiet revolution" in Yugoslavia. In the early 1990s Germany, Hungary, Italy, and the Vatican openly encouraged the breakup of Yugoslavia. Their rationale was based on the historical ties of religion, ideology, and WWII. These interests certainly coincided with some economic interests and the agendas of the U.S. Agency for International Development (USAID), the World Trade Organization, and the World Bank. The notion of powerful forces undermining the sovereignty of a country through the influence of world economic organizations is carefully examined in John Perkins' The Confessions of an Economic Hit Man. His experiences and revelations cast light on the possible contributions of U.S. corporations, the World Bank, and the United States Agency for International Development (USAID) on Yugoslavia's economic plight and ultimate dissolution.[102]

He further explained that it was the Bush Administration, which we have already mentioned, that cut off the funding for Yugoslavia and authorized appropriations to its separate republics. He emphasized that the U.S. had cooperated with Yugoslavia for five decades and with good reason. That meant that the US had a huge amount of investment there. And then all of a sudden, all of that stopped:

> [It] caused economic disarray and precipitated communal violence in the country. According to a 28 Nov 1990 *New York Times* article, the Central Intelligence Agency (CIA) predicted that this new law would lead to a bloody civil war. The article also stated that the Yugoslav experiment had failed and that the country would break up, probably triggering ethnic violence and unrest. . . . In 1991 a European conference favored the dissolution of Yugoslavia into sovereign and independent republics. Later, oil and drug interests supported dissolving and advocating Muslim independence in

101 Patrick E. Tyler, "U.S. strategy plan calls for insuring no rivals develop," *The New York Times*, March 8, 1992.

102 Robert Saylor, *Strategy Research Project: Yugoslavia: Implications of an Unjust War* (report), U.S. Army War College, Carlisle, March 15, 2008, 2.

> both Bosnia and Kosovo. There is strong evidence to support this advocacy in Jane's Intelligence Review, which warns of Muslim narco-terrorism related to Kosovo. Clearly, prior to the onset of hostilities, various groups had aligned to undermine Yugoslavia's sovereignty.[103]

He continued, mentioning the already known process of fueling the acts of independence by Slovenia and Croatia:

> In 1991. . . . the central government in Belgrade quickly arrived at agreements between Slovenia and Macedonia; meanwhile Croatia and Bosnia clashed over their borders. . . While the stated U.S. policy was to support a peaceful resolution, the actual U.S. policy did not. An example of questionable U.S. policy was its decision to deem the state borders as inviolate, but not the federal borders. This only confounded international law: When can people claim the right of self-determination?[104]

The aftermath of so much military and other intervention ambushed many American analysts, scholars, and journalists years later. This excerpt from the Strategy Research Project of the U.S. Army College is just a small part of what we plan to cite here. This also shows that there were many wise persons in the U.S. who foresaw, predicted, and struggled for the other opinion in opposition to those coming from the mighty war industry. At first.

On the other hand, others saw Mr. Bush's "ambivalent policy" as responsible for "a full-blown civil conflict in Yugoslavia that undermined America's confidence in its European allies":

> President Bush was content to leave the problem to the Europeans. "I've told our top people, 'We don't want to put a dog in this fight,'" he wrote in his diary on July 1. "It's not one that we have to mastermind… This concept that we have to work out every problem, everywhere in the world, is crazy."
>
> The United States agreed to coordinate transatlantic consultations on Yugoslavia through channels with the European Community. The North Atlantic Cooperation Council defined the conflict in Yugoslavia as "out of area", and thus outside NATO's scope.[105]

The excerpt above is from an article written by Pratik Chougule[106], who reminded his

103 Saylor, *Strategy Research Project: Yugoslavia: Implications*, 2-5.

104 Ibid.

105 Pratik Chougule, "Bush's ambivalent Yugoslavia policy shaped transatlantic relations for decade," *Atlantic Sentinel*, December 7, 2018.

106 Pratik Chougule is a researcher and a public affairs consultant. He was previously the executive editor at *The American Conservative*, and the managing editor at *The National Interest*. During the 2016 elections, Chougule worked as a policy coordinator in the campaigns of Donald Trump and Arkansas Governor Mike Huckabee.

Chougule has assisted a number of former senior government officials in writing their memoirs, as well

readers about what, in one article published in Foreign Affairs, Mr. David Gompert, the president's National Security Council director for Europe, stated had been concluded regarding Yugoslavia:

> George Bush and his lieutenants studied the facts and concluded that leadership in this crisis would have had major drawbacks for the United States. Following the Gulf War, a leading role in Yugoslavia would have implied that the United States could and would act as an international policeman, even in an area of more immediate importance to America's rich European partners. The consequences of an absent American policeman - the worst atrocities on the European continent since World War II - ultimately proved too much for the country's conscience to bear. The United States led a NATO intervention in Bosnia four years later and in Kosovo another four years later. The lesson learned: when it came to strategic and humanitarian interests, the New World could not rely on "old Europe".[107]

At the Woodrow Wilson International Central for Scholars, on March 1, 2000, David Binder, once a member of the Washington Bureau of the New York Times, presented his comments at a discussion regarding the Balkans. He tried to answer the question "Why the Balkans?" in the 90s, trying to give an adequate answer regarding the United States and its European allies' errors in their approach towards the Yugoslavia crisis:

> I think that it lies in their belief that they could succeed where others failed and then, to choose sides narrowly in what inevitably became a series of civil wars: here uniformly innocent victims, there uniformly genocidal aggressors; here ethnic cleansers, there the ethnically cleansed.
>
> Did it not register with the strategists in Washington, London, or Bonn that in World War II, Croats "cleansed" far more Serbs than Serbs "cleansed" Croats; if one can call the extermination of tens of thousands in the Jasenovac death camp "cleansing"?[108]

As a distinguished journalist of *The New York Times*, Mr. Binder tried to present the mainstream press and foreign policy decision-making process towards the Balkans at the end of XX and the beginning of XXI century:

> Oddly, the American approach to the Central Balkans in the last decade has been Wilsonian self-determination gone wild, with some help from Ambassador Holbrooke. Aided and abetted by some European countries, the United States has had a decisive hand in creating not arguably fragile multiethnic states such as the Czechoslovakia

as in the researches behind them. From 2008-2009, Chougule served at the State Department in the Office of the Under Secretary for Arms Control and International Security. He graduated as a member of Phi Beta Kappa from Brown University and holds a J.D. from Yale Law School. For more details, see: https://pratikchougule.com/about/

107 Chougule, "Bush's Ambivalent Yugoslavia Policy."

108 David Binder, "Why the Balkans?" *Wilson Center*, March 1, 2000, https://www.wilsoncenter.org/publication/196-why-the-balkans

> and Yugoslavia of Wilson's day but mono-ethnic ministates – Croatia, Slovenia and, even more grotesque, a Bosnia-Herzegovina that is ethnically divided three ways. Like it or not the Clinton Administration is now presiding over the evolution of yet another mono-ethnic state – an Albanian Kosovo.
>
> To put it another way, the US and NATO, though it was the opposite of their declared intentions, have far outstripped everyone else in ethnic cleansings in the Balkans.[109]

As an ally of the United States, Europe insisted, at the beginning of the former Yugoslavia crisis, that this was a European problem, meaning the Europeans need to be the problem solver. This is another external actor responsible for not preventing the bloody dissolution of the so-called "Yugoslav experiment" that we need to present. Christina Balis, in her *The Lost Hour of Europe: An Autopsy of the Failed Yugoslav Experiment*, mentioned many important factors not taken into account by many analysts, not to mention other people. She cited many of them from the ITV *News at Ten*:

> A commonly held view is that the Yugoslav crisis was "the wrong crisis (one of disintegration in an integrating Europe) at the wrong time (when it had to cope in Europe with the aftermath of Germany's unification and dramatic changes in the Soviet Union and the Middle East with Iraq) and in the wrong place (the Balkans, which had ceased to be a region of high strategic importance)": This may have been a defensible position for the United States to hold, reluctant as it was to become embroiled in another European conflict, but it was certainly not the European impression of the situation. For European leaders, it was the right crisis (one that reflected the new realities of the post-Cold war period) at the right time (just after the first serious discussion of the new concept of a political union) and in the right place (precisely in Europe's backyard).
>
> One commentator remarked in December 1991 that "Yugoslavia has become a test for Europe which Europe cannot pass, with consequences yet unknown." In 1999, one can say with confidence that Europe has failed this test – with dramatic implications. It was a mishandled experiment, but one that has the potential to provide answers for the future. Yugoslavia cannot be reborn or restored; an autopsy is the only process available to establish whether misguided policies or fatal omissions on Europe's part were to blame. The Balkans are not going to disappear from Europe's agenda in the near future, and the current conflict over Kosovo offers little optimism for any immediate peaceful resolution in the region.[110]

For this, the Balkans' bloody history of the 90s aftermath, Ms. Balis listed a few reasons she considers causes of Europe's failure to solve the problem, such as a sad and critical coincidence of events:

109 Binder, "Why the Balkans?"

110 "News at Ten," *ITV*, 27 June, 1991, quoted in Christina Balis, "The Lost Hour of Europe? An Autopsy of the Failed Yugoslav Experiment," *The SAIS European Journal*, http://sais-journal.herokuapp.com/posts/the-lost-hour-of-europe

> When the Yugoslav crisis erupted, Europe was in search of its identity and was attempting to define a new common foreign policy. The then EC was just emerging from discussions at the Inter-Governmental Conference (IGC) in Maastricht at which a commitment had been made to create a Common Foreign and Security Policy (CFSP). Such events were taking place amid a general economic slowdown and new geopolitical realities. The Community had to cope with an enlarged Germany after the dramatic events of 1989-90 and increasing German monetary dominance.[111]

Then there was the complexity of the problem that rarely had the will to understand aspects such as the Balkans' specific portrait. This was followed by:

> Europe's over-ambitious and naive attitude. . . "termed the "Sinatra doctrine", "we'll do it our way." This was Europe's clear message to its Atlantic partner. But in the absence of a clear plan and with no realistic balance between aims and ambitions, the EC was itself venturing into uncharted waters. It had neither a solution to offer nor the necessary means to impose one. Its hope of acquiring both was, at best, precarious and wishful thinking.[112]

This misuse of history was accompanied by simplistic explanations of the nature of the war:

> For most European countries, this view was too complex. For the British, it was a civil war rooted in bitter history, whereas for the Germans it was clearly a war of aggression. The first approach seemed to offer a justification for Serbian brutality, whereas the second view was flawed by its lack of impartiality, and in its arrogant assertion that Europe could act as the legitimate arbiter in a conflict whose origins were as subjective as its interpretation of history.[113]

Fatal for Europe (and thus for the Balkans) in preventing the war efforts were the lack of leadership, confusion of principles, and institutional shortcomings – all of which made Europe incapable of acting and sent the Balkans directly into the hell of wartime.

Certainly, this open space was used by some to act. Years later, in 2016, when the *Reuters* news agency wrote the obituary column for Mr. Genscher, his role in the Balkans was mentioned, and not without a good reason:

> A passionate supporter of the European Union. . . . more controversially, he was instrumental in Germany's quick recognition of an independent Croatia in 1991, a decision considered by many to have been a trigger for the uncontrolled breakup of the former Yugoslavia and the region's subsequent slide into war.[114]

111 "News at Ten," quoted in Balis, "The Lost Hour of Europe?"
112 Ibid.
113 Ibid.
114 "Ex-Foreign Minister Genscher, Architect of German Unity, Dies at 89," *Reuters*, April 1, 2016, https://www.reuters.com/article/us-germany-genscher/ex-foreign-minister-genscher-architect-of-german-unity-dies-at-89-idUSKCN0WY4AV

In connection with this, in 1992, during the time of the recognition of Slovenia and Croatia, Stephen Kinzer from *The New York Times* reported:

> In a triumph for German foreign policy, all 12 members of the European Community, as well as Austria and Switzerland, recognized the independence of the former Yugoslav republics of Slovenia and Croatia today. . . . The action by the European Community marked an important diplomatic victory for Germany, which has vigorously supported Slovenian and Croatian independence. German officials announced last month that they would recognize the two republics regardless of the wishes of other European countries, and Foreign Minister Hans-Dietrich Genscher lobbied intensely for the breakup of Yugoslavia.
>
> Mr. Genscher said in a radio interview today that he was "very happy" with his success. He asserted that Croatia "has achieved the highest imaginable standard of respect for minority rights.[115]

Then again, this act of recognition was jeopardized by French Justice Minister Robert Badinter's report that in essence stressed that

> Croatia should provide constitutional guarantees that human rights and minority rights would be observed. There are 600,000 Serbs among the 4.5 million residents of Croatia, and many of them rose up in rebellion after Croatia declared its independence last year. Croatian fascists slaughtered thousands of Serbs during World War II, and Serbs said they feared they would be victimized again if Croatia became independent.[116]

The act of the strongest European countries mirrored the disagreement between the partners from the Old Continent:

> France and Britain, two of the countries that today announced recognition of the breakaway republics, said they would not send ambassadors to Croatia until human rights issues were resolved. . . . Although most European governments favored the eventual recognition of Slovenia and Croatia, some had sought to postpone today's announcement so recognition could be part of an overall peace settlement in the Balkans.[117]

Though for Germany, that had waited for the perfect moment to reinforce itself as the most powerful country, that moment finally came. Thus, it insisted on the process of recognition:

115 Stephen Kinzer, "Europe, Backing Germans, Accepts Yugoslav Breakup," *The New York Times*, January 16, 1992.
116 Kinzer, "Europe, Backing Germans."
117 Ibid.

> German officials insisted that recognition was the only way to force the Serbs to accept a settlement.
>
> Germany's decision to press for quick recognition of the two republics, disregarding appeals from the United States and the United Nations, marked a new assertiveness that some Europeans find disconcerting.
>
> "Germany is acting in a highly sensitive psychological environment," said a commentary this week in Bonn's principal newspaper, the *General-Anzeiger*. "The fear of German dominance and unilateralism has grown."[118]

Decades later, many argue that this early recognition of two former Yugoslav republics was what directly led to war. Just as then, some believe today that if only the European countries had acted more strongly, combined with the ambivalent attitude of the United States, preventive diplomacy would have succeeded in preventing the war.

2.6. Failure of Preventive Diplomacy and the Role of the Media before and during the War

As mentioned before, Dr. Aleksandar Mitić carried out a well-documented scientific study for the purpose of this report that refers to media reporting during the six pre-war months. This period is important since it was then that efforts were being made to prevent the war through diplomatic means. Unfortunately, Europe and America as dominant external actors in the Yugoslav crisis, failed. Here, in this part of the report, the core of diplomatic failure will be analyzed.

2.6.1. European Community

In order to understand the political landscape of external actors in the Yugoslav crisis, it is necessary to know that the two dominant ones were the United States of America and the European Community (EC). The latter had a long history of conflict prevention and by its definition it strove towards integrative processes rather than the opposite. At the time of the beginning of the Yugoslav crisis, the EC had 12 member-states. The most important and thus most powerful ones were Germany, Great Britain, and France. The aim of increased EC activities before the war was to prevent conflict, as all signs indicated that war was inevitable – particularly after the Slovenian referendum on independence (December 1990). Slovenia and Croatia opted for independence while the rest of former Yugoslav republics opted for federal unity. These divergent approaches clashed in a way which indicated that, in the case that independence was granted, a violent "solution" would be inevitable:

118 Ibid.

> The EC opted for an unclear and contradictory policy towards the Yugoslav crisis. In fact, both the federal government and the governments of Croatia and Slovenia were actively seeking support from European institutions for their separate programs. Officially, the European Community supported the continuation of federal Yugoslavia, but in practice, it was meeting on a constant basis with the representatives of the aspiring break-away republics, thus fueling their hopes for independence.[119]

The actions of the EC which was burdened with problems at home (such as the unification of Germany) were unclear, though the EC always opted for peaceful resolutions of disputes and thus the EC, as an integrative European force, opted for the preservation of the former Yugoslavia:

> First of all, while the EC officials expressed support for the unity of Yugoslavia, they always emphasized their opposition to using force to solve the crisis. The underlying assumptions of these messages were understood differently in Belgrade (where it really meant support for Yugoslav unity) and in Ljubljana and Zagreb (where it meant opposition to the use of force).[120]

Visits to the region that was about to explode, from different EC officials who met with presidents of the republics in dispute, were seen as approval of the secession. On March 12, 1991, the EC dealt a blow to Yugoslav unity when the European Parliament passed a resolution declaring "that the constituent republics and their autonomous provinces of Yugoslavia must have the right to determine their own future in a peaceful and democratic manner and on the basis of recognized international and internal borders".[121] Woodward went even further by calling this "'covert support and encouragement of Slovene and Croatian independence' by EC members Germany and Denmark"[122] Meetings between EC member countries' representatives with officials in Zagreb and Ljubljana reinforced this process:

> Yet another member of the EC joined the ranks of Slovenian/Croatian supporters – by early June, Italy's cautious position had shifted. Thus, the Slovenian and Croatian presidents, as well as the Slovenian prime minister, were received by the Italian president and prime minister, while the Italian president Francesco Cossiga "made public Italy's sympathy for Slovene and Croatian independence".[123]

In short but well-analyzed EC efforts in crisis prevention, Mitić concluded that there were several reasons for the failure of EC preventive diplomacy. Some of them have already

119 Mitić, "Manufacturing of the 'Good and Evil' Archetype," 11.
120 Ibid, 11.
121 Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington D.C.: Brookings Institution Press, 1995), 158, quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 12.
122 Woodward, *Balkan Tragedy*, 159, quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 12.
123 Mitić, "Manufacturing of the 'Good and Evil' Archetype," 12.

been mentioned. In Dr. Mitić's opinion, the media did play a strong role:

> First of all, the EC shifted from its full support to Yugoslav unity toward conditional support. The EC began sending ambiguous, mixed messages to the Yugoslav republics. Each of the republics saw in these messages support for their cause, which strengthened their intransigence.[124]

> [T]he coverage by three very influential print outlets (originating in countries which traditionally have been supportive to the federal Yugoslavia and Serbia) indicates an anti-Serb and anti-Yugoslav bias. The negative coverage could have contributed to the gradual change (weakening) in the EC support to federal Yugoslavia, to the incoherence of EC preventive diplomacy and to the EC indecision on how to formulate an adequate crisis – thus, to the failure of the EC to prevent the violent resolution of the Yugoslav crisis.[125]

In the following subchapter, we will see what the media reports were, what narrative they used, and what roles they attributed to the warring parties in just the six pre-war months. This is also important since the role of the media referring to the Yugoslav crisis that evolved into a war had not changed – quite the contrary. This part of the analysis is important in order to understand that the parameters of war reporting were set precisely during this period.

2.6.2. The United States of America

As was well noted in Dr. Mitić's study, although the administration of (George) Bush and (Bill) Clinton supported the concept of "preventive diplomacy", the impression then was that there was no clear idea how to exercise this in the outset of the post-Cold War era: "[T]he U.S. had two important problems. The first was the definition of U.S. interests – ethnic conflicts like the one in Bosnia-Herzegovina being at the time at the bottom of U.S. interests. The second was the incoherence of U.S. preventive diplomacy efforts," wrote Mitić.[126] First, for about 50 years, during the Cold War, and after the Tito-Stalin split, as explained earlier, the USA supported and invested in socialist Yugoslavia. After the Fall of the Berlin War, the collapse of the Soviet Union, and the unification of Germany, a once important European country, Yugoslavia lost its significance.

Yet, in May 1991, the Bush administration opposed the secession of Slovenia and Croatia. It seemed that the United States would favor Yugoslav unity. Secretary of State James Baker's visit in June strengthened this stance. Mr. Baker warned Yugoslav separatist republics that their acts present a danger leading to the "disintegration of this country".[127] He went even further, saying that "[t]he United States would not recognize their act of independence if

124 Ibid, 14.
125 Ibid, 30.
126 Ibid, 31.
127 David Hoffman, "Baker Urges Yugoslavs to Keep Unity," *The Washington Post*, June 22, 1991.

they left the Yugoslav federation".[128] The United States Secretary of State, after a day of talks, expressed his serious concerns "that Yugoslavia is heading for a violent breakup that could have" very tragic consequences "for the country and for Europe".[129]

Unfortunately, this visit had no effect on the separatist movement in Yugoslavia:

> [T]he northwestern republics of Slovenia and Croatia are expected to issue formal declarations of independence next week. Although neither republic will leave the Yugoslav federation immediately, the declarations will start a process of disengagement and ultimate secession if a compromise with the other four republics is not reached.[130]

Since Europeans argued that this crisis was a European problem, the United States passed the possible solution on to Europe, for it to solve the problem. As the problem evolved together with media reporting pressuring the administration to act, "the U.S. administration endorsed EC sanctions against Serbia. In December, the U.S. approved a UN Security Council resolution sanctioning the deployment of peacekeeping troops in buffer zones between Serbs and Croats in Croatia".[131]

Due to the rapid deterioration of the situation in Yugoslavia, and after two secessionist republics, Slovenia and Croatia, declared independence in January 1992, the United States and the European Community started a cooperation in terms of making "preventive diplomacy efforts":

> Despite the opposition of the Bosnian Serbs, in January 1992 the Badinter Commission proposed a referendum, which was held in late February and early March. The boycott of the Bosnian Serbs and the murder of Bosnian Serb Nikola Gardović on March 1st marked the referendum, after which the first barricades were set up.On March 10, James Baker traveled to Brussels to send a clear message to the Europeans - the United States would recognize Slovenia and Croatia only if the European Community recognized Bosnia and Macedonia. For the first time, the United States said that it would recognize the secessionist states because it believed that would contribute to their stability.[132]

Without any concrete agreement between the Serbs, Croats, and Muslims who constituted Bosnia, the United States decided to support a unified, independent Bosnia:

> Frightened by the prospect of recognizing Bosnia without a prior agreement with the Serbs, the European Community pushed for an accord. As a result, on March 18, Portuguese diplomat José Cutileiro presented in Lisbon the EC framework for the future of Bosnia. The agreement provided for keeping Bosnia as a single state.[133]

128 Hoffman, "Baker Urges Yugoslavs."
129 Ibid.
130 Ibid.
131 Mitić, "Manufacturing of the 'Good and Evil' Archetype," 32.
132 Ibid.
133 Ibid, 33.

Europeans realized that there was no turning back, and thus tried to negotiate some kind of an agreement between the constitutive nations' representatives: Radovan Karadžić (representing Serbs living on the territory of Bosnia and Herzegovina), Mate Boban (representing Croats living on the territory of Bosnia and Herzegovina), and Alija Izetbegović (representing Muslims living on the territory of Bosnia and Herzegovina). Even though it seemed that an agreement would be reached, all of a sudden Alija Izetbegović left the meeting after a consultation with the U.S. Ambassador in Yugoslavia, Warren Zimmerman. This was the end of the EC attempt to bring about a peaceful solution and the beginning of a brutal war. This was also a failure of US preventive diplomacy:

> First of all, the U.S. strategy was inconsistent and ambiguous. For nine months, the United States was opposed to the recognition of the secessionist republics. Washington changed its policy suddenly, and from the toughest opponent of recognition became the biggest proponent. Second, the U.S. pushed for recognition without a prior agreement with the Serbs, whomade up a third of Bosnia's population and a majority in more than 60 percent of Bosnia's territory. Despite the fact that it was clear that an agreement had to be found for their opposition, Washington opted for confrontation. Finally, the U.S. encouraged Izetbegović to reject Cutileiro's plan, an EC agreement which the three constituent nations had supported at first.[134]

The most important element which could have been subject to media influence is the anti-Serb bias. The U.S. ignored the "Serb question. It is thus important to analyze the media coverage and the portrayal of Serbs in the Yugoslav crisis".[135]

Before we move on to the media content analysis of what was written six months before the war and during the entire period of the war in Bosnia, it is important to introduce a short overview of primary sources that witnessed the events that led to the war and the period of the war in Bosnia.

2.7. Selling the War

So far, the war reporting during the Yugoslavia wars has been studied in numerous research papers. The simplified general impression is that the media manipulated public opinion through false reporting for several purposes. One was sensationalism and selling the paper, anotherwas the fact that the media served particular interests and thus it was to sell the war to the public, and the third group claims that media were "indisputably [a] weapon of war".[136] It is not our perspective here to determine each of these views. Since we have decided to perform the media content analysis just to obtain facts rather than estimations, we were also interested in the first-hand experiences, that are worth reading.

134 Ibid, 33-34.
135 Ibid, 34.
136 Susan L.Woodward, Making *Sense out of the Chaos: Reporting the War in Bosnia, Panel Discussion*. School of Communication, American University, Washington D.C., October 5, 1993.

Over the years, many of them went public. Whether they worked within the power state administration, or for a certain public relations agency, whether they were journalists, editors, or opinion-makers, it is always a bit shocking to read such experiences. Maybe a good start of this section would be this year's interview with professor Samuel Moyn[137] from the Belgrade-based daily *Politika*. Among many things that professor Moyn said, what is important for us here is his inside story. He worked for the National Security Council, as the White House intern, during the bombing of Yugoslavia and his job was to "sow" stories in *The Washington Post* about the NATO bombing campaign:

> My story is representative of my generation, which in the 1990s believed that it was necessary to extend human rights to those who had been deprived of them. Especially because of the danger of an ethnic cleansing. . . . I "sowed" stories published in *The Washington Post*. It was all about selling the war and explaining its virtues. My moment of truth came a little later. I wanted internationalism to coincide with the awakening of progressive policies, but it wasn't until after the Iraq War that I realized I was engaged in something in my twenties that had dire consequences. My writing on human rights is also a way of self-reflection on all these events.[138]

When journalist asked Moyne to explain the term "sowed", the professor answered:

> During the war, especially in modern times, there are few journalists who gain much access. The government controls the information, and I was tasked with what was called public diplomacy, and I was able to provide some facts about the war to the press. Of course, I did not publish all the facts, but only those that were favorable to our presentation of the war. The problem is, there was a little independent journalistic search for the facts. In Vietnam, journalists were much more in search of their own truths, which is not the case with the American wars now.[139]

Two years earlier, in 2018, one of *Guardian's* former journalists, Melanie Philips[140],

137 Samuel Moyn is Henry R. Luce Professor of Jurisprudence and Professor of History at Yale Law School and a Professor of History at Yale University. He has written several books in his fields of European intellectual history and human rights history, including The Last Utopia: Human Rights in History (2010), and edited or co-edited a number of others. His most recent books are Christian Human Rights (2015), based on the Mellon Distinguished Lectures at the University of Pennsylvania in fall 2014, and Not Enough: Human Rights in an Unequal World (2018). Currently, he is working on a new book on the origins of the humane war for Farrar, Straus, and Giroux. Over the years he has written in venues such as Boston Review, the Chronicle of Higher Education, Dissent, The Nation, The New Republic, the New York Times, and The Wall Street Journal. For more details, visit: https://law.yale.edu/samuel-moyn

138 Miloš Vojinović, "Sejao sam priče o bombardovanju Jugoslavije," *Politika*, March 1, 2020, http://www.politika.rs/scc/clanak/448963/Sejao-sam-price-o-bombardovanju-Jugoslavije

139 Vojinović, "Sejao sam priče".

140 Melanie Philips is a British journalist, author, and public commentator. She began her career writing for *The Guardian* and *New Statesman*. During the 1990s, she came to identify with ideas more associated with the right and currently writes for *The Times*, *The Jerusalem Post*, and *The Jewish Chronicle*, covering political and social issues from a social conservative perspective. Phillips has appeared as a panelist on the BBC Radio 4 program *The Moral Maze* and *BBC One's Question Time*. She was awarded the Orwell

who worked there for about 25 years, spoke at the Speakers Action Group[141] about the inner life of *The Guardian*, describing one event:

> [T]he war was going on in the former Yugoslavia, Bosnia, all that sort of thing I forgot quite in which stage was that I want to tell you about but there was a period when war was going on and there was a particular journalist of the *Guardian* who wrote like a dream. She was a marvelous crafter of words. She won award after award it was always on a front-page she was a war reporter she was in central Europe during this period. She was in Bosnia and I remember in particular onepiece she wrote which was on the front page particular affecting. There been some terrible, tragic event a lot of people dead and she described an affective scene in a village in a heart of all this trouble she described this pathetic convoy. Trucks coming in and on the back of the one of the truck she described in detail how the back of the truck was filed of refugees and she described how they looked and the women were like this, and they wearing the headscarves, and they were bowed, and the children were subdued and there were no men because they have been killed and, you know, it was very affecting and it was completely untrue.

The attendees of the Group were shocked. Mrs. Philips, who is usually under heavy criticism due to her public expressions, continued:

> She hadn't been there. She hadn't seen it! She had made it up! And at the *Guardian*, where, you will be amazed to know, some people had some vestiges of conscience, people said, "Can this be right that we've printed something which is, you know, not actually true?" And other people said, "No! It's fine. It's absolutely fine that we've printed this because it is the broader truth." What was the broader truth? The broader truth was what everybody knew: it was unarguable that the Serbs were the bad guys, the Muslims were the victims. That was the broader truth and anything that illustrated that broader truth was fine, because it was illustrating the broader truth. So the fact that it was a lie, wasn't a lie at all. It was actually true. This was the mindset.[142]

And this mindset, the concept of the "broader truth" was a stage of the Cold War propaganda evolution. This time, it was enriched with new players such as powerful public relations companies. Peter Brock, Diana Johnstone, Mira Beham, Sara Flounders, Heather Cottin, and Alvin Dorfman, Raphael Israeli, Albert Benabou, and others wrote about war public relations. What is the common ground for the authors above is that all of them, among well-detailed relations between Croatian and Muslim Governments and PR companies relationships, referred to a time in 1993 when the French *TV2* associate director Jacques Merlino interviewed James Harff, Ruder Finn Global Public Affairs CEO. Harff was proud of their

Prize for Journalism in 1996, while she was writing for *The Observer*. Her books include the memoir *Guardian Angel: My Story, My Britain*. For more details, see: https://en.wikipedia.org/wiki/Melanie_Phillips

141 A Canadian Jewish Organization.

142 "Melanie Phillips on Why She Left the Left," YouTube video, 2:31, posted by "Speakers Action Group," March 15, 2018, https://www.youtube.com/watch?v=tRSDW20krGU

success of "win[ning]" over three "big Jewish organizations the B'nai B'rith Anti-Defamation League, the American Jewish Committee, and the American Jewish Congress"[143] on their side: "To have managed to put Jewish opinion on our side. . . . was a sensitive matter, as the dossier was dangerous looked at from this angle. . . . At the beginning of July 1992, *New York Newsday* came out with the article on Serb camps. We jumped at the opportunity immediately."[144]

And this mentioned opportunity was the opportunity to twist the strong anti-Semitic attitudes of both Franjo Tuđman (President of Croatia) and Alija Izetbegović (leader of Muslims), the horrors of the World War II past, and the concentration camps such as Jasenovac ran by the Ustashi, in which Jews, Serbs, and Roma people were executed in the most severe and unimaginable ways. Also, this was an opportunity to portray Serbs as "Nazis". Harff did that with a story published in the *Newsday*. Merlino raised a question to Harff: "But between 2 and 5 August 1992, when you did this, you had no proof that what you said was true. All you had were two *Newsday* articles".[145] For Harff, what had been done was quite legitimate since it was not up to PR companies to verify the truth:

> Our work is not to verify information. . . . we are not equipped for that. Our work is to accelerate the circulation of information favorable to us, to aim at judiciously chosen targets. We did not confirm the existence of death camps in Bosnia, we just made it widely known that *Newsday* affirmed it. We are professionals. We had a job to do and we did it. We are not paid to moralize.[146]

And, they did it. They suggested to Jewish organizations to call for a demonstration, by advertising it in the *New York Times*, in front of the UN headquarters:

> That was tremendous coup. When the Jewish organizations entered the game on the side of the (Muslim) Bosnians, we could promptly equate the Serbs with the Nazis in the public mind. Nobody understood what was happening in Yugoslavia. The great majority of Americans were probably asking themselves in which African country Bosnia was situated.[147]

The aim of Ruder Finn was to make a move that would be the game-changer:

143 Heather Cottin and Alvin Dorfman, "War Propaganda Aimed at Jewish Opinion," in *NATO in the Balkans: Voices of Opposition*, ed. Ramsey Clark (New York: International Action Center, 1998), 212.

144 Jacques Merlino, *Les Verites yugoslaves ne sont pas toutes bonnes a dire* (Paris: Editions AlbinMichel S.A., 1993), quoted in Sara Flounders, "Bosnia Tragedy: The Unknown Role of the Pentagon: War Propaganda Aimed at Jewish Opinion," in *NATO in the Balkans: Voices of opposition*, edited by Ramsey Clark (New York: International Action Center, 1998), 55.

145 Merlino, *Les Verites*, quoted in Flounders "Bosnia Tragedy," 55.

146 Ibid, 56.

147 Ibid, 55.

> By a single move we were able to present a simple story of good guys and bad guys which would hereafter play itself. We won by targeting the Jewish audience. Almost immediately there was a clear change of language in the press, with use of words with a clear change of language in the press, with use of words with high emotional content such as ethnic cleansing, concentration camps, etc., which evoke images of Nazi Germany and the gas chambers of Auschwitz. No one could go against it without being accused of revisionism.[148]

Knowing business, Harff and his team, as skillful communication strategists, were aware that in a work like this, speed and contacts were crucial: "Merlino described how Harff uses a file of several hundred journalists, politicians, representatives of humanitarian associations and academics to create public opinion. Harff explained: 'Speed is vital it is the first assertion that really counts. All denials are entirely ineffective'."[149]

Diana Johnstone, like others who dealt with PR agencies engaged in the Balkan wars by Croats and Muslims, explained in detail the core of the contracts:

> On 23 June 1992, Izetbegović's government in Sarajevo. . . . signed a contract with Ruder Finn in order to promote a stronger leadership role for the United States in Balkans. To this end, the agency undertook an impressive array of actions, notably setting up a "Bosnia Crisis Communication Center" in contact with American, British, and French media: media appearance coaching for Bosnian foreign minister Haris Silajdžić; sending press releases to U.S. Congressmen and "Fax Updates" on developments in Bosnia-Herzegovina to over 300 addresses, including the most important world media and parliamentarians; writing 17 letters to be signed by Izetbegović and Silajdžić and addressed to top world officials; setting up press conferences and interviews with Bosnian representatives at international conferences; organizing personal contacts between Silajdžić and Al Gore, Margaret Thatcher, and other influential personalities, including 17 U.S. senators; placing articles on the editorial pages of *the New York Times*, *the Washington Post*, *USA Today*, *the Wall Street Journal*, and so on.[150]

This wasn't covert or illegal activity – quite the contrary. Public Relations companies in the United States that are engaged in international public relations, more specifically, that cooperate with foreign governments, are obliged by United States Law to refer to the Ministry of Justice every six months via reports. These reports are in the form of a questionnaire, and one of its sections refers to political propaganda. In this Act in those years, the Foreign Agents Registration Act, political propaganda was defined as a set of communications that aims to indoctrinate, manipulate, or to influence in any other way regarding specific political ends, including the foreign policy of the USA. Under this section of the questionnaire, Ruder Finn responded that they ran "political propaganda" for the "Republics of Croatia, Bosnia

148 Ibid.
149 Ibid, 54.
150 Diana Johnstone, *Fools' crusade: Yugoslavia, NATO and Western delusions* (London: Pluto Press, 2002), 69.

and Herzegovina, and Kosovo",[151] as Mira Beham, a former journalist from the *Süddeutsche Zeitung*, wrote in her book. Authors who wrote extensively about this PR campaign have never denied atrocities or crimes committed by any of the parties, they simply acknowledged unbalanced reporting and campaigns in connection with the events that happened. For example, Gary Wilson, a journalist and researcher, wrote in *The Dayton Accords Reshape Europe*:

> Most media reports on events in the Balkans are sensationalized and filed with quotes from the State Department, CIA, or Pentagon sources. When this happens in other countries they call it propaganda. When it happens here, they pretend it's just "objective journalism". If you were to ask a half-dozen U.S. citizens, picked randomly, who are the most aggressive people in the world, at least one would answer "the Serbs".[152]

Often, such attitudes would be discredited as pro-Serb, or the author would be simply placed in the register of "conspiracy theorists". But Wilson was far from that. His perspective was clear – it was a war, and there were crimes and all sides committed all sorts of atrocities. Somehow, in the mainstream news, other sides were missing. Serbs were the "usual suspects", the side to blame by default:

> The U.S. media and politicians often portray the Serbian army in Bosnia as being like the Nazi army. This is propaganda. There is no basis in fact. That's why sometimes the reports are just absurd. Consider remarks made by National Public Radio commentator Daniel Schorr.
>
> President Clinton had said in a speech that the Serb army in Bosnia was like the Nazi army of the 1930s and 1940s. Schorr, in talking about Clinton's speech, added that in fact, the Serbs were worse than the Nazis. "At least the Nazis never raped Jewish women," he said. Schorr was later forced to issue a correction to this incredible lie.[153]

Here, in his article, there is not a single line that implicates denial or justification of crimes committed by any of the sides. Furthermore, he was explicit:

> There have been terrible, bloody events in the Yugoslav civil war. No one can deny that. And the media reports have been about some of these events. But what has been emphasized has been very selective. For example. . . . An open letter written at that time from the Serbian Jewish Friendship Society based in Belgrade to the American Jewish Committee said that "anti-Serbian propaganda" is "a twin sister of anti-Semitism". The letter stated that Croatia had instituted a policy of eliminating the Serbs. This policy was so thorough that "in Croatia, there are (now) no more Serbs than there are Jews in Germany or Poland." The letter was signed by the chief rabbi of Yugoslavia as well as by many other prominent Jews of Yugoslavia.[154]

151 Mira Beham, *Ratni doboši: Mediji, rat i politika* (Beograd: Miona, 1997), 146-147. (Original work published 1996).

152 Gary Wilson, "The Dayton Accords Reshape Europe," in *NATO in the Balkans: Voices of Opposition*, edited by Ramsey Clark (New York: International Action Center, 1998), 143.

153 Wilson, "The Dayton Accords," 143.

154 Ibid, 154-155.

2.7.1 Crisis Communication and Public Relations

As previously noted, many authors researched crisis communication and public relations activities prior to and during the war in Yugoslavia. One of them, as mentioned earlier, is Mira Beham[155], who worked for ten years as a journalist for *Süddeutsche Zeitung*, a German newspaper, and later she began teaching at reputable journalism school in Munich. In her book entitled *War Drums: Media, War, and Politics*,she elaborated the activities of PR companies that had been engaged by two governments (Croatian and Muslim government) to work on creating the public images of the mentioned countries and to lobby for their cause. She cited Carl Jacobsen, a Canadian professor, who led the "Independent committee for the war crimes in the Balkans", who had determined that the Croats' expenses of the propaganda campaign on American and Canadian television channels alone outspent the marketing expenses of Pepsi and Coca Cola together.[156]

The campaign that aimed at portraying Serbs as Nazis, when publicly presented, was impossible to refute, as was any part of it,

> especially not since they were supported by Jewish organizations. Indeed, in this way James Harff managed a brilliant maneuver in creating an image: from the common victims of fascism in World War II, and, in that way, almost natural allies, Jews and Serbs, he managed to make opponents. No one listened to those Jews who reacted to that with indignation.[157]

And there were prominent Jews who reacted:

> In April 1994, Johanan Ramati, director of the Jerusalem Institute for Western Defense, commented on the propaganda campaign regarding the war in the Balkans in the magazine "Midstream" (published by the Theodor Herchl Endowment): "The civil war in Yugoslavia continues with immense suffering on all sides. The media report on the suffering of Muslims down to the most horrific details. The suffering inflicted by Muslims on Croats is receiving little attention. The suffering of Serbs is being ignored. . . . Such organized Muslim and anti-Serb propaganda should cause serious concern to all who believe in democracy and freedom of speech. . . . American Jewish organizations and their leaders, outwitted by 'Ruder Finn', can pat each other on the shoulder. . . . A well-constructed demonization of Serbs is a warning to all Jews who want Israel to survive. Israel could become a goal." The atmosphere created by the PR campaign made it difficult for Jews to avoid public pressure.[158]

155 Mira Beham, born in 1956 in Munich, is a publicist, freelance journalist, and translator from English and Serbian. She is the author of a political-biographical book about the President of the German Parliament (Rita Submuth, 1993) and one book with her contributions is "Serbia Must Die" (Serbien muss sterbien, 1994). She lectured at the prestigious Deutsche Journalistenschule (School of Journalism) in Munich, the Bavarian Press Academy, and the University of Munich.

156 Beham, *Ratni doboši*, 141.

157 Ibid, 151.

158 Ibid, 152.

But, no one listened. At least, no one of influence did. And the pressure was significant. All Jews who questioned the aggressive American-Bosnian PR campaign were faced with defamation. To say something outside the "Serbs are Nazis" frame initiated a brutal response:

> The association "Students against Genocide – Project Bosnia" from Stanford University started a campaign against "Serb apologists and revisionists" in 1994. Among the accused were many prominent professors from around the world, journalists, Serbian and Greek organizations in the United States, but also the Buchenwald Concentration Camp Survivors, and some personalities such as Alfred Lipson, one of the leading Holocaust researchers. Both Buchenwald survivors and Alfred Lipson repeatedly pointed to the fate of Serbs under the fascist Ustasha regime in Croatia during World War II and warned of current Croatian national fanaticism and Bosnian Islamism.
>
> As early as July 1995, the same Jewish names and organizations were placed near war criminals in an article entitled "whose ears are filled with Chetnik propaganda" – published in the national Bosniak weekly *Ljiljan* by media spokesman Alija Izetbegović. The sources were *Student against Genocide-Project Bosnia*.[159]

The scale of the campaign was such that it was impossible to hear the voice of reason. Fear spread among the Jewish people as well as among intellectuals who were well aware of the long-term consequences: "Nora Beloff, an author, and connoisseur of the Balkans warned in December 1993 in the *Swiss Chronicle* of the massive impact of public campaigns: 'There is a clear need for all observers of the Balkan conflict to insist on solid evidence before accusing Serbs'."[160]

None of those who reacted to such a one-sided and brutal information campaign, aware that "someone" had done a good job of cementing the image of a certain nation (Serbs), ever denied the crimes committed by Serbs – quite the contrary. The voice of all these rare but persistent journalists and intellectuals demanded respect for the basic values in reporting, and thus in what followed as the effect of these campaigns and related to political decisions:

> There is no doubt that the Serbian soldiers committed terrible crimes in the war in the Balkans, crimes that cannot be justified by anything. However, the dilemmas posed by the propaganda actions of the two war governments around the world, Zagreb and Sarajevo, relate not only to the veracity of the image imposed to the Western public about the conflict in the former Yugoslavia but also to the political and military goals that are being pursued. They hide behind these manipulative efforts.[161]

Many who felt that was necessary to react, to send words of critique, felt the same way. They were also very harsh in their criticism of the Serbs, but the manipulations, false and biased narrative, the effects of such information strategy were much worse. One such figure

159 Ibid.
160 Ibid.
161 Ibid, 153.

was a veteran of the Gulf War, head of the UNPROFOR information Center in Sarajevo (1994), American Colonel John E. Sray.[162] He cataloged personal, political, and military observations of the war in Bosnia:

> [I]mmediately after the outbreak of hostilities in Bosnia and Herzegovina, Serbs suffered a loss from which they could no longer recover – they were defeated in the propaganda war waged against them by the government of Alija Izetbegović. Sray believes that the combination of three factors contributed to the "fertility of the propaganda machinery" of Bosnian Muslims. The work of PR agencies, the cooperation of important public opinion creators and "elements of the American State Department" who sympathized with Bosnian Muslims, created a climate in which it was not possible to rationally consider the conflict. The "Bosnian lobby" tried to convince politicians that they would commit "moral and political suicide" if they did not support the goals of Muslims – for example, lifting the embargo on arms deliveries. At the same time, the same lobby "maliciously attacked" all critics of such a policy "as pro-Serbian" or even "Nazi-sympathizers". Comparisons with the Holocaust evoked strong images and feelings, but in this case, they existed only in the wild imagination. . . . of seduced moralists and unprofessional elements in the media.[163]

Beham illustrates by citing Sray the climate, all wrongdoings by all actors involved in the Bosnia war.

There are many examples, and each had the same fate, nothing outside the created images of three nations could pass the heavy iron door of mighty censorship. We are certain that many journalists decided to write, speak, and act according to their professional standards even though it was impossible to sell the other side of a story to any of mainstream and influential media. Many freelancers that we spoke to said that it was impossible to sell the story of suffering the Serbs, to offer a balanced report, to tell the other side of a story. Even today, they prefer silence to publicly telling the truth. But some had no dilemma, though they chose a different path, the path of a "lone ranger", by exposing the catalog of colleagues, events, and narratives that filled the dark pages of the history of journalism.

162 October 1, 1995 – U.S. Army Officer: Propaganda Machine Whipping Up Support for US Intervention in Bosnia. The Foreign Military Studies Office publishes a piece by Army Lt. Col. John E. Sray who writes that advocates of a U.S. intervention in Bosnia have formed a "prolific propaganda machine" to increase public support for deploying NATO forces to Bosnia. The propaganda machine is made up of a "strange combination of three major spin doctors, including public relations (PR) firms in the employ of the Bosniaks, media pundits, and sympathetic elements of the US State Department," he says, who use "[d]iffering styles, approaches, and emphases" to advance their views. He notes how some of them have gone so far as to attack anti-interventionists as harboring "pro-Serb" or even "Nazi" sympathies. The United States' European allies, who do not favor an intervention, are informed "from different information and a more realistic historical perspective," he says. "They retain the advantages of more in-depth, professional, and probing journalism and better reporting from their embassies. Furthermore, they pay less attention to the constant propaganda themes emanating from the Bosniaks [Bosnian Muslim government] and their agents—the PR firms." For more details, visit: http://www.historycommons.org/entity.jsp?entity=john_e__sray_1

163 Beham, *Ratni doboši*, 153-154.

2.7.2 "Serbs did it"

As we were interested in reaching as many primary sources as possible, we created a questionnaire and sent it to various people via email. Here we will present some answers, but the complete questionnaire and answers to its contents will be archived, and any interested party may have access to it upon requesting the formal approval of the Government of the Republic of Srpska, as noted before. First, we were interested in hearing, from this time perspective, in which way journalists, publicists, or other persons who had a media experience during the wars in Yugoslavia would describe the events and circumstances. We are referring here to the beginning of the war in Bosnia and Herzegovina. While working for the *CNN World Report* as a contributor, Oleg Dmitriev[164] said that in the early stage of the Yugoslav war, public opinion was pretty much confused:

> Only two Russian State TV channels by that time had correspondents in the Balkans. As for other stations that sprang up all over the former USSR the objective coverage of such events was a sort of a luxury. That's why many news outlets relied on the footage that was provided by international news agencies. At that time the copyright law in Russia did not exist – so many stations simply copied the stuff they saw on CNN International.
>
> For this reason, some editors took this information for granted. That's why it was next to impossible to understand who is battling whom during the first stages of the conflict. Only after this Russian TV started to pay more attention to the actions of the Yugoslav government as well as to cations [sic] of Bosnian Serbs.[165]

Hannes Hofbauer,[166] who wrote several books, *Balkan War*, *Experiment Kosovo*, and *Ordered Truths – Bought Justice*, in response to our questionnaire, said:

> The Western media coverage, especially in the German-speaking world, was totally one-sided and concentrated on the Muslim narrative. This corresponded with most of the political forces in Germany and Austria. They accelerated existing inner-Bosnian conflicts from outside by supporting anti-Yugoslav secessionist movements. I remember a statement from a top-ranking Austrian conservative politician, Andreas Khol, who postulated the theory that supporting the so-called national self-determination of Croats and Muslims will avoid war. In reality, it did the contrary, it led to war.[167]

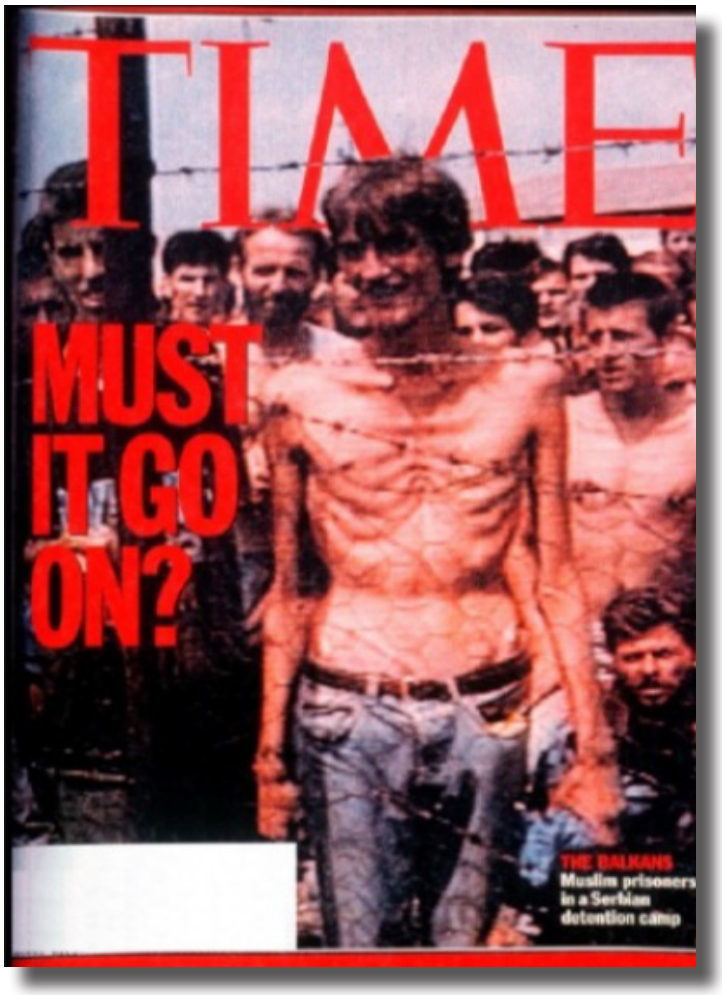
164 An advisor to *Rossiya Segodnya* International News Agency (since December, 2014). Professor at the Media Department of HSE University. An Academic Supervisor of the International News Production, an HSE Masters' Program. Oleg used to work as the News Director and Acting Managing Director of the English Service of the Voice of Russia Radio (now – Radio Sputnik). From 2007 to 2013 he was a Director of Training at RT television news channel. In the 1990s Oleg was a contributor to CNN World Report.

165 Questionnaire, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020.

166 Hannes Hofbauer was born in 1955 in Vienna. He studied economic and social history at the Viennese University and currently works as a publisher and editor. Some of his books, such as *Balkanski rat* (publisher: Filip Visnjić), *Eksperiment Kosovo* (publisher: Albatros plus), *Naručena istina - Kupljena pravda* (publisher: Jasen), were published in Serbian.

167 Questionnaire, Database of the Republika Srpska Center for Research of War and War Crimes and the

Guy Mettan[168] is a Swiss journalist who has visited Sarajevo three times, in 1978, in 1993, and in 1996, and he shared his views of the media coverage during the war. Mr. Mettan was a part of an international delegation of journalists during the Siege of Sarajevo. He was interested to experiment during the visit of *Oslobođenje* newspaper "how the visit was biased in order to support the Bosnian side against the Serbian one, even if the Serb forces were effectively surrounding the city".[169] What we wanted to know, from this time distance, was how Mr. Mettan sees the media coverage of the war events in Bosnia. This is how he described it:



Tracing of Missing Persons, 2020.

168 Guy Mettan is a Swiss journalist, politician, author, and columnist for various Swiss newspapers. He is the Executive Director of the Geneva Press Club, President of the Swiss-Russian Joint Chambers of Commerce and former President of the International Association of Press Clubs. He was the Director and editor-in-chief of *La Tribune de Genève* from 1992 to 1998. As a Deputy in the Geneva Parliament since 2001, he was its Speaker in 2010. Authoring several books, he published *Russie-Occident: une guerre de mille ans* (publisher: Editions des Syrtes) in 2015. In the United States, the book was released with the title *Creating Russophobia: From the Great Religious Schism to Anti-Putin Hysteria* (published by Clarity Press in Atlanta, 2017). There are now French, Italian, Russian, Serbian, and Swedish editions of this book, in addition to the English one. His latest book focused on the destiny of Europe (Le continent perdu: Plaidoyer pour une Europe démocratique et souveraine, published by Editions des Syrtes in 2019). For more details, visit: https://fjawards.com/jury/7-guy-mettan

169 Questionnaire, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020.

As biased. Since the beginning of the former Yugoslavia tensions, the mainstream British, German and French media have adopted an anti-Serbian bias, saying that the federal army was manipulated by Serbia and pouring sympathy with Slovenia and Croatia claims for independence.

During summer 1992, the photo of Fikret Alić at Trnopolje has been an emblematic case of media distortion of facts and picture hijacking. As it has been established now, a journalist team of ITN TV Channel and The Guardian had been invited by Serbian leader Radovan Karadžić to visit the so-called "prisoners camps" where Bosnian people were supposed to be detained by Serbian militias. The British crew took a photograph of a Bosnian young man, his emaciated condition highlighted by his gaunt face and protruding ribs and his prisoner status emphasized by a prominent strand of barbed wire. Alić's image became iconic of the suffering of poor civilian prisoners outraged by Serbs all around Europe. Former PM Margaret Thatcher criticized his successor John Major, saying that she had "never thought she'd see another holocaust in her life".

The British press published the image with the comment "Bergen-Belsen 92".

As a German investigative journalist has established the fact later at his own expense, the picture showed, in fact, a man suffering from disease and artificially centered on barbed wire in order to hide the innocent sheep wire-mesh which was supporting it from below. By manipulating the photo, it was possible to present this camp as a Nazi extermination camp and to designate the Serbs as new Angels of Death. And so did the European media after that event. At the very beginning of the conflict, nobody knew who were the good guys and who were the bad guys. But due to their irrepressible need to divide the world between good and bad guys and thanks to subtle manipulations as show[n] by [the] Alić case, the western media were able very fast to establish it forever… or almost ever![170]

170 Ibid.

When asked about media reports on Srebrenica, Mettan answered:

> Srebrenica massacres have been a consequence of previous biases which have disinhibited the most extremist people among the Serbian forces and left them to commit war crimes.[171]

That "German investigative journalist [who] has established the fact later" whom Mr. Mettan mentioned was Thomas Deichmann[172]. Deichman published his story in the German magazine *Novo* in 1997, in its January/February issue, and the British magazine *LM* published the story later in February 1997, in its issue no.97. A year later, International Action Center, published Deichmann's story in New York in 1998 within the publication *Nato in the Balkans: Voices of the Opposition*. The ITN sued the British magazine *LM* in order to "prevent LM from publishing the story, demanding that its editor withdraw the issue and pulp every copy. LM. . . . faces a costly legal battle for insisting on its right to publish the truth".[173] Deichmann deconstructed the event that surrounded the picture that was taken from the video clip made by a team of ITN, Penny Marshall and her cameraman Jeremy Irvin, Ian Williams from Channel 4, and reporter Ed Vulliamy from the *Guardian* newspaper. He detected several facts: Trnopolje was a collection center for refugees seeking safety and they could leave it again if they wished. "The barbed wire in the picture is not around the Bosnian Muslims; it is around the cameraman and the journalist."[174]

For the sake of truth, without going into the intention of the British team,

> Penny Marshall, Ian Williams, and Ed Vulliamy have never called Trnopolje a concentration camp. They have criticized the way that others tried to use their reports and pictures as "proof" of a Nazi-style Holocaust in Bosnia. Yet over the past four and a half years, none of them has told the full story about that barbed-wire fence which made such an impact on world opinion.[175]

And, indeed, the picture was taken from the video clip,

171 Ibid.

172 Thomas Deichmann is a freelance journalist and a researcher living in Frankfurt, Germany. His articles about the Yugoslav crisis appeared in numerous European publications and he has become an internationally recognized specialist and critic of the Western media. In 1996, he appeared as an expert witness before the International War Crimes Tribunal for the former Yugoslavia, called by the defense of Dusko Tadic. Short bio taken from: R. Clark (Ed.). *NATO in the Balkans: Voices of Opposition*. New York, NY-US: International Action Center.

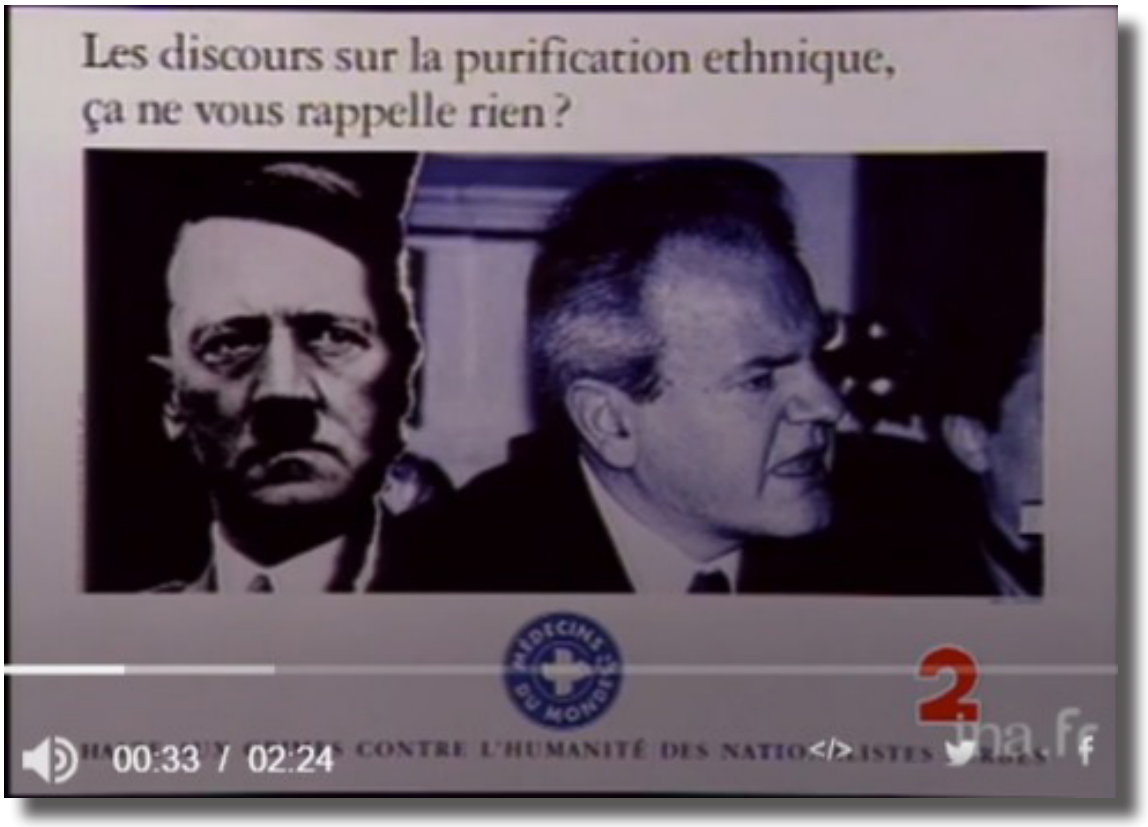
173 Thomas Deichmann, "The Picture that Fooled the World," in *NATO in the Balkans: Voices of Opposition*, edited by Ramsey Clark (New York: International Action Center, 1998), 165.

174 Deichmann, "The Picture," 166.

175 Ibid.

against a background of mounting hysteria, as the first reports claiming that the Bosnian Serbs were running brutal internment camps. . . . On July 19, 1992, the American journalist Roy Gutman wrote in Newsday about the camp in Manjača, and Andre Kaiser's picture of prisoners with shaven heads at Manjača was shown around the world. On July 29, in the Guardian, Maggie O'Kane quoted eyewitnesses who claimed that Muslims had been crammed into cattle cars and shipped off from the Trnopolje station.

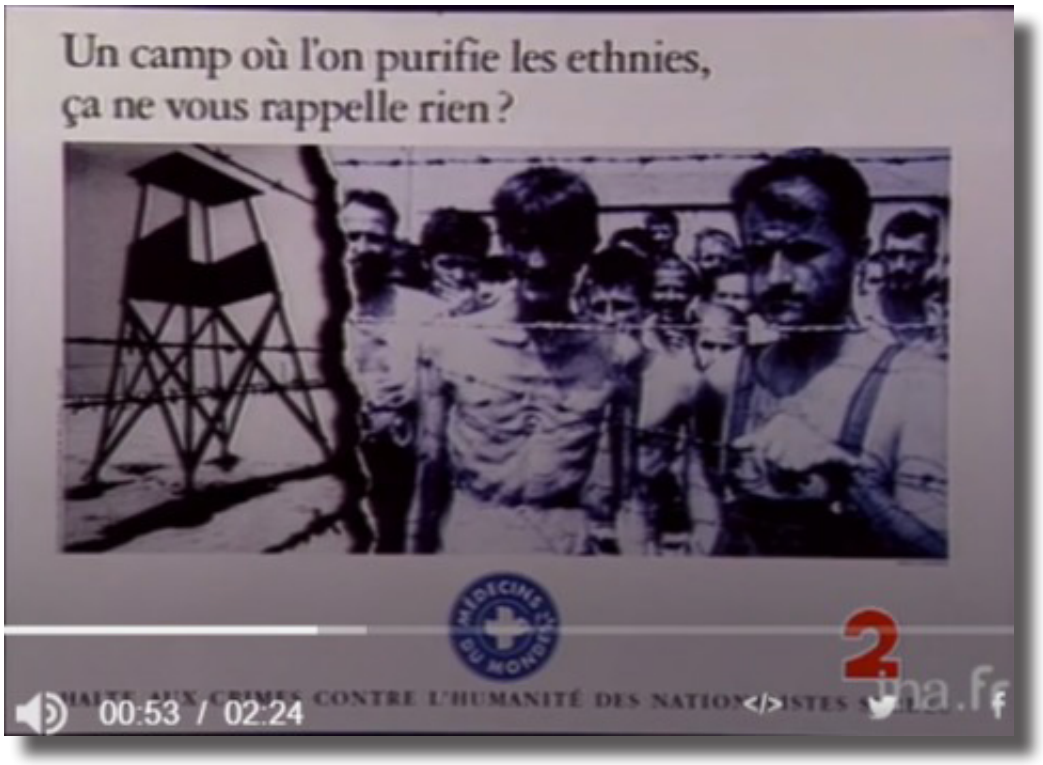
On August 2, Roy Gutman published another article in which he called the Bosnian Serb camp at Omarska a "death camp". Gutman's and O'Kane's articles drew heavily on hearsay and unconfirmed claims. Nevertheless, they caused an international sensation.[176]



The impact of the picture was significant: in France, in 1993, Médecins du Monde, a French humanitarian organization, used the picture in their campaign "Stop ethnic cleansing in ex-Yugoslavia". They went even further, comparing ex-Yugoslavia President Slobodan Milošević to Adolf Hitler:

Three hundred thousand posters measuring 3x4 meters, were posted on walls in major French cities. Half of them showed Milošević and Hitler side by side, with the caption, "Speeches about ethnic cleansing, does that remind you of anything?" The general public had no way of knowing that far from giving "speeches about ethnic cleansing", Milošević continued to advocate harmony between Yugoslavia's peoples.

176 Ibid, 167-168.

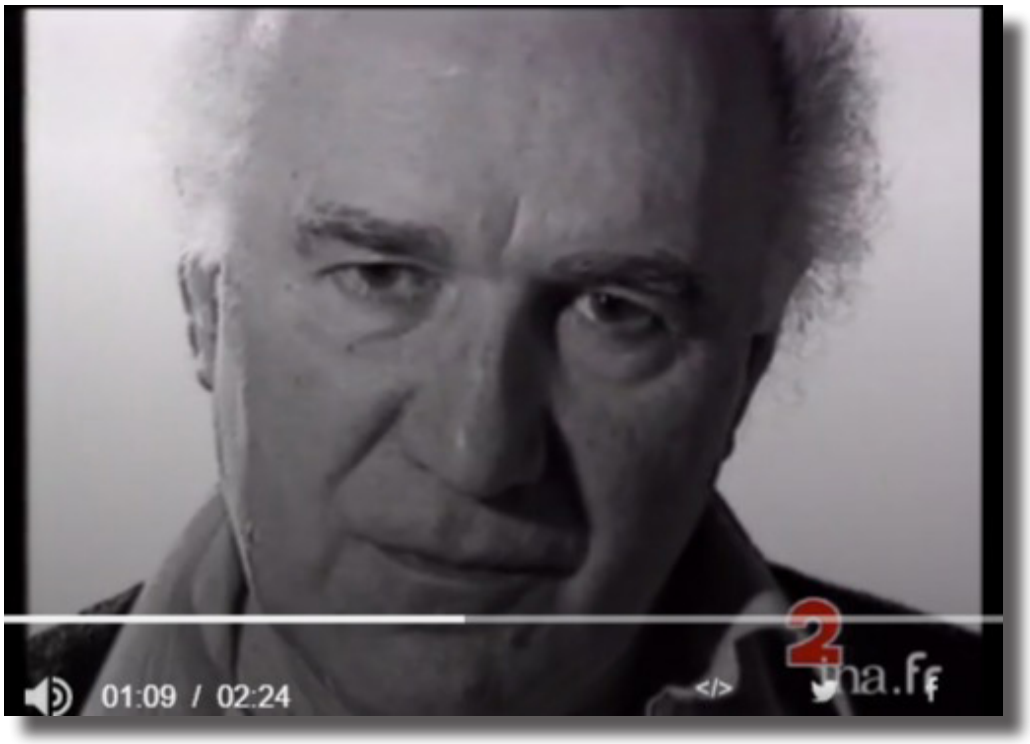


> A second poster showed the thin man, Fikret Alić, behind barbed wire with the caption, "A camp where they purify ethnic groups, does that remind you of anything?" The text read: "Ethnic cleansing means camps, rapes, murders, executions and mass deportation of the non-Serb populations of Bosnia-Herzegovina and Sarajevo. The Serb nationalists will go all the way with their murderous ideology…[177]

The international campaign, triggered by the photo of Fikret Alić, was well-founded, organized, and had full impact on decision-makers:

> On 12 August, the United States proposed to the Committee for the Protection of Human Rights in Geneva that the United Nations should consider setting up an international tribunal to prosecute war crimes in Yugoslavia and Iraq. On 19 August, German foreign minister Klaus Kinkel raised the rhetorical level by declaring: "The attempt of the Serbian aggressors to carry out an ethnic cleansing action aimed at other population groups in order to achieve their national goals in Bosnia-Herzegovina is genocide". At the London conference the following week, Kinkel made clear his intention to press for the establishment of an international court to prosecute leading Serbs for crimes against humanity and genocide, and also for strengthening the UN embargo against Serbia.[178]

177 Johnstone, "Fools' Crusade," 74.
178 Ibid, 73.



Michel Piccoli from the MSF video clip.

The well-planned public relations campaign that flooded the international news spectrum, from tabloids to mainstream influential papers, engaged stars from the entertainment industry only in France:

> Médecins du Monde also sponsored three weeks of TV spots denouncing "Serb crimes against humanity", featuring film stars Jane Birkin and Michel Piccoli. The whole campaign cost over FF 11 million (some $2 million). This advertising campaign was full of factual lies. But the most fundamental lie was to present the Serb campaign to secure a swath of defendable territory as a matter of "ideology" and "genocide". It was the emphasis on a supposed "ideology" that excited intellectuals into taking sides in a brutal little war between Bosnians, on the mistaken impression that they were heroically opposing the equivalent of Hitler's project to conquer Europe in the name of German racial superiority.[179]

On the other hand, the Serbs' blind spot was public relations. They either did not understand the role and the importance of communication, or they were simply struck by the power of the communication hurricane that approached them with unimaginable speed and intensity. Or, it was something else. The fact is that from the point of crisis communication and its strategy, seemingly, the Serb side did almost nothing. Mira Beham, a German journalist, did an insightful analysis of the propaganda activities of Serbs. From her point of view, what lacked in the Serbian perspective was something that originated from their geography. Serbs lived in almost every Republic of the former Yugoslavia. That means they differed

179 Johnstone, "Fools' Crusade," 74.

from each other. And, as Beham pointed out, it is a fact that they were not a monolith and thus were not united around the same goal such is how to survive the carnage that history brought upon them.

It was the same with Serbs who were émigrés. They were disorganized and uncoordinated. This was enough for the others (Muslims and Croats) to engage those best at their job to build their image and reach their aims. There were other factors when Serbs had lost the moment in the begging while the West was a bit confused about the clashes in the Yugoslavia, that decided the horrifying outcome for the Serbs:

> Due to the total embargo imposed in May 1992, the Serbs themselves in the former Yugoslavia were deprived of any opportunity to present themselves abroad, including those in all international political institutions. Even the capacities of telecommunication connections, such as telephone lines, were reduced to such an extent that mediation abroad was hardly possible. With the severance of all political, economic and cultural relations of the international community with Serbia, communications from the other direction from the world to Serbia were cut off. . . . it was so comprehensive that the London public relations agency Saatchi and Saatchi had to withdraw its promise to represent the Serbian government., as this would be contrary to the provisions of the embargo.[180]

One of the important reasons for the nonexistent communication strategy towards the western public was the structure of the Serb propaganda, Beham explained. While Zagreb and Sarajevo propagated their cause inside and outside their republics, Belgrade focused its propaganda on internal issues, so as to unite Serbs from all sides of the region into one voice. Even in this, Belgrade failed, as Beham illustrates in her book.[181] Since then we have spoken to many western journalists and other persons with personal experience in war reporting from ex-Yugoslavia, then from Bosnia and Sarajevo, all could agree with what Mira Beham wrote. Serbs looked disoriented, well outside the way of reality. They lost precious starting points and some key moments to intervene and take advantage of the media at any level. For example, regarding our questionnaire, Slobodan Despot[182], a Swiss/Serbian writer and a publisher well-

180 Beham, *Ratni doboši*, 166.

181 Ibid.

182 Slobodan Despot is a Swiss/Serbian writer and publisher, born in 1967 in Sremska Mitrovica (then Yugoslavia). He has worked for 17 years with the famous publishing house L'Age d'Homme, in Lausanne and Paris, as a translator, editor, and deputy CEO. He translated, among others works, the works of indispensable Serbian writers such as Dobrica Ćosić and Miloš Crnjanski, as well as the great Russian philosopher Alexander Zinoviev. Since 2006, he has been running his own publishing house Xenia in Switzerland. He has also founded and/or ran several journals and magazines, with themes ranging from politics to health. Slobodan Despot also serves as a PR advisor to prominent Swiss personalities, such as ecologist Franz Weber and MP and Minister Oskar Freysinger. He is the author of 10 books, two of which are award-winning novels, *Le Miel* (*Honey*, 2014) and *Le Rayon bleu* (*The Blue Ray*, 2017), both of which were published by the famed French publisher Gallimard. Slobodan currently runs a weekly newsletter, *Antipresse* (antipresse.net), with a strong and ironic stance against the mainstream media manipulations

known by the French public, who was willing to answer some of our questions, when asked what he would have changed if he could go back for a moment, he answered:

> I would have tried to persuade the Serbian leaders to try and learn how the Western world was being ruled and informed and to draw a strategic lesson from it. They tragically underestimated the role of PR and communication in the conflict, boasting with their military strength and braveness, not even noticing that the coalition of the Mighty was battling them with the weapon of the weak: fake news, historical distortion, libel and defamation, and mass media brainwashing. Just like the West did not want to know what was really going on in the Balkans, the Balkans were not willing to understand what was going on in the Western heads.[183]

This was also a common experience for (almost) all who were there in the Balkans during the bloody civil war. And Despot's experience with war-torn Yugoslavia started in Pakrac in Slavonia, Croatia, in the spring of 1991. He accompanied Antoine Bosshard, a Swiss reporter who worked for the *Journal de Genève, a* renowned Swiss newspaper. Bosshard talked with Serbs about their fears of a revamping Ustasha ideology, and he saw many graves from World War II, graves of Serbs, victims of the Ustasha regime. Despot said that when Bosshard's story was published and was quite objective and balanced,

> [he was] never allowed to write about that topic again. His story was contradicting the Western mainstream narrative, which basically consisted of overturning history and showing the victims as tormentors and vice versa.
>
> This was an eye-opening experience. I reused it years later in my post-war novel *Honey*[184].

This book portrays all shades of life in ex-Yugoslavia, people of flesh and blood, as well as their lives. Though one of the best sellers in France in 2014, it probably would have been prohibited in the 1990s. But in 2014, *Le Figaro's* author, Sébastien Lapaque, wrote about *Honey* as the *Iliad – lessons to be learned*.[185] During his work as a translator, Despot came across many similar examples:

> A year later, I edited and co-translated the French version of a capital testimony by Serbo-Croat journalist Vjekoslav Radović, *Les spectres de la guerre* (*The Ghosts of War*, orig. *Aveti rata*). Radović had been reporting from the Vukovar front for *Reuters*. He resigned from this famous Western agency when he understood that whatever he

183 Questionnaire, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020.

184 *Le Miel is a book written by Slobodan Despot*, which was published by Gallimard in 2014.

185 Sébastien Lapaque, "Le Miel, de Slobodan Despot," *Le Figaro*, January 22, 2014, https://www.lefigaro.fr/livres/2014/01/22/03005-20140122ARTFIG00275--le-miel-de-slobodan-despot.php

> wrote about the sufferings of local Serbs was tucked under the rug or censored. His book is a trove of examples of manipulation and dishonest, one-sided reporting.[186]

In 1992, it was November when Slobodan Despot, as a member of Elie Wiesel mission, was about to inspect "death camps" allegedly established in the Serb parts of Bosnia:

> In particular, I witnessed gross manipulations with the inmates at Manjača, the monopolistic and rude behavior of ABC News crew led by David Marash, the strong information control imposed by the Muslim side in Sarajevo as opposed to the relative indolence of the Serbs, the disinformation job accomplished by the head of UPI agency in Belgrade… And above all the fact that the results of this investigation - that there were *no death camps* on the Serbian side - were completely suppressed in Western media. The contradiction between the reality on the ground and the mainstream media tales was so harsh that one of the reporters participating decided to lead an independent inquiry about this war.[187]

We have already written about Merlino's epic interview with James Harff. Merlino wrote a book that translates into English as *Yugoslav Truths are not all Suitable to be Told* (Les vérités yougoslaves ne sont pas toutes bonnes à dire), but Slobodan Despot continues, reminding us of Jacques Merlino's fate after that: "This exemplary investigative job cost Jacques Merlino his career. He ended up being exiled to Beijing as an ordinary correspondent. His book, despite having been sold out in a matter of weeks, has never been reprinted. It is now a collector's item".[188] With so many tragic examples, Despot decided to create a journal in French *Raison Garder*, inviting a team of professionals to

> unmask the gross pro-Croat propaganda operation that stood behind the famed book *Vie et Mort de la Yougoslavie (Life and Death of Yugoslavia)*written by a totally incompetent and even surprisingly sloppy and stupid French university professor, Paul Garde. Despite our groundwork, with more than 300 material errors listed, Garde's fake book remained an "invaluable reference" and history manual for French journalists, diplomats, and scholars.[189]

With so many ups and downs, fighting with a few against many, Slobodan Despot, like Peter Brock, David Binder, and all those others, were the real seekers of not only the truth but the rebirth of professional standards, like those journalism had once had. And, like that of a few then and of many today, Despot's general opinion regarding that period is:

186 Questionnaire, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020.
187 Ibid.
188 Ibid.
189 Ibid.

> The general insight I drew from this experience – apart from that it resulted in a temporary academic and social suicide for myself still as a student – was that the West was not willing to know the truth about Yugoslavia, or even to acquire a reliable picture of it. They set up a narrative based upon centuries of cultural commonplaces and stereotypes about Serbs, the Orthodox world, the Balkan "barbarians", and they mainly stuck to it until today, despite the quantity of corrections and rebuttals that came out since the war ended.[190]

More specifically, when asked about Srebrenica as the media image of war, Despot said:

> Sarajevo and Srebrenica were quickly elevated to a symbolic rank because they were strongholds of Islam in the Balkans. Srebrenica in its strategic and humanitarian scale could not rival with the total cleansing of Serbian Krajina that happened three weeks later. Actually, once the propaganda dust wears off, historians might stress the role of the highly exploited Srebrenica disaster as a smokescreen hastily raised by Madeleine Albright on August 10th, 1995 (almost a month after the facts) to obfuscate the ongoing total obliteration of a centuries-old population in nearby Krajina (operation "Storm", Aug. 4-8th).[191]

Hannes Hofbauer is of the similar opinion:

> My conviction is that Western politicians and media dynamised inner conflicts into civil wars. Both the internal and the external factors are important. If there had not been a deep economic crisis within Yugoslavia and strong national forces striving to overcome this crisis by secessionist demands, external factors would not have been able to intervene. And if there had not been in the interests of German and US political and global players to profit from the Yugoslav weakness, the war would not have developed in this cruel way. Whereas Western narrative only reports on the internal situation to legitimate the Western interventions, there are Serbian voices only speaking about foreign forces that destroyed Yugoslavia. We have to put the whole story together.[192]

When asked about the media reports on Srebrenica, Mr. Hofbauer said:

> Bosnia-Herzegowina was like a burning glass within Yugoslavia. Ethnic cleansing took place on every side. In a way, it is constitutive for civil wars. This has to be taken into account when you speak of tragedies like Srebrenica. It is also important at which moment you start your story on war and massacres and guilt. When you start it in July 1995, you will only see for example the killing of Muslims in Srebrenica. But when you start the story before, you will recognize that Muslim forces from Srebrenica attacked Serbian villages around the mine-town and killed hundreds of Serbs. This

190 Ibid.
191 Ibid.
192 Ibid.

> does not excuse massacres on Muslim men, but it opens a broader perception of the civil war.[193]

A person cannot detach him- or herself from the experience of war and the sufferings that follow. These kinds of life experiences most certainly change a person for life. Injustices, as well as braveries, last forever, until the very end, in one's memory with unchanged intensity, with the same impressions as if one is witnessing the same all over again. The mixture of bad and good, beauty and ugliness is what defines our memories. But, in the end, the strongest feeling that still keeps us tied to some events is the feeling that everything had a purpose. This is also the common ground of all those people that we spoke to or read about. Slobodan Despot is not an exception. He brought home something good to remember:

> In 1992 we received at our home in Switzerland a little blind girl, Suzana, whom the Swiss humanitarians exfiltrated from a war zone in Krajina to try to save her eyes at an eye clinic in Lausanne. She, unfortunately, could not recover her sight but we remained friends for life. She is a bright person and a ray of light.
>
> Such exceptional circumstances also led me to meet exceptional people and to work with them. Let me mention legendary French general Pierre-Marie Gallois, the immense Serbian writer Dobrica Ćosić, who became head of the Yugoslav state in 1992 when we were working together, the Swiss ecologist Franz Weber, whom I helped to set up an international conference on the protection of cultural treasures of Serbia during the 1999 NATO war, Alexander Zinoviev, one of the smartest minds of the century, the world-famous writer Peter Handke, colonel Jacques Hoggard who protected the Serbs in Kosovo and brave military doctor Patrick (Stefan) Barriot, fearless women like Jean Toschi Marazzani Visconti or Diana Johnstone, and more recently Jeremy Scahill from *The Intercept*, probably the best new inquiry journalism outlet in today's world.
>
> To resist the pressure of commonplace anti-Serb thinking, they all had to be people of strong character and independent mind. Going through that turmoil for about ten years along with such people was the most valuable life school.[194]

And, all of those alike who search for answers, witnessed horrible atrocities, sufferings, and brutality of all sides paid a price for not following the "line". They were censored, some lost jobs, while some were discredited, to set the example for others.

2.8. Srebrenica as Seen through Mainstream Media

It was in 1993 when Kevin Dunn (ITN) reported from the village Fakovići in Srebrenica. Along the road to Fakovići, while driving to the village, Mr. Dunn reported of burned villages, where "every single home was burned out".[195] Along the twenty-mile long road to

193 Ibid.
194 Ibid.
195 "The MacNeil/Lehrer NewsHour," 1993-05-17, NewsHour Productions, American Archive of Public

Fakovići there were villages, one after the other, where Serbs had lived together with Muslims, and which were now torched. His destination was the village of Fakovići in Srebrenica where Serbs were organizing a mass burial and were mourning over their victims that were "massacred by Muslims a year ago". Relatives of victims were brought to the village to identify the victims. The scenes were horrifying. The senior British officer who was attached to the UNPROFOR in Bosnia, Brigadier Vere Hayes, was also present at the scene:

"It's always terrible to see innocent victims who have been massacred,"[196] said Brigadier Hayes. For him, this war was a bloody civil war in which all three parties committed horrible crimes, but also suffered and mourned over innocent victims. This was one of the rare news about the suffering of Serbs in Srebrenica. In 2011, a group of distinguished professors, researchers, journalists – in short, prominent public figures – wrote a book entitled *The Srebrenica Massacre: Evidence, Context, Politics*.[197] The late Professor Emeritus Edward H. Herman together with Phillip Corwin[198] wrote the preface and the foreword of the book. Mr. Corwin, as the highest-ranking civilian officer of the United Nations, was a first-hand witness of the events that made the civil wars in the former Socialist Federal Yugoslavia the bloodiest episode in history ever since the end of World War II. He wrote in his book about what he had seen:

> I decried the distortions of the international press in their reporting, not only on that event [author's note: the fall of Srebrenica], but on the wars in Yugoslavia (1992-95) in general. . . . In the years since Srebrenica fell, the name itself has become a buzzwordfor allegations of Serbian genocide. Books have been written, reports have been compiled, and radio and television broadcasts havesaturated the air waves with "evidence" of this crime against humanity. The United Nations Security Council convened an international tribunal in The Hague to "prove" this pre-trial judgment. It would not be an exaggeration to say some journalists and aspiring politicians have made careers out of promoting this allegation.
>
> But the situation is more complicated than the public relations specialists would have us believe. That there were killings of non-combatants in Srebrenica, as in all war zones, is a certainty. And those who perpetrated them deserve to be condemned and prosecuted. And whether it was three or 30 or 300 innocent civilians who were killed, it was a heinous crime. There can be no equivocation about that. At the same time, the facts presented in this volume make a very cogent argument that the figure of 8,000 killed, which is often bandied about in the international community, is an unsupportable exaggeration. The true figure may be closer to 800."[199]

Broadcasting (GBH and the Library of Congress), Boston, MA and Washington, D.C. Accessed December 8, 2020, http://americanarchive.org/catalog/cpb-aacip-507-jw86h4dm2w.

196 "The MacNeil/Lehrer NewsHour," 1993-05-17, NewsHour Productions, American Archive of Public Broadcasting.

197 This book was published by the Alphabet Soup Publishing.

198 Phillip Corwin has served as the highest-ranking United Nations civilian official in Bosnia-Herzegovina. He wrote the book *Dubious Mandate: A Memoir of the UN in Bosnia,Summer 1995* (Durham, NC: Duke University Press, 1999).

199 Phillip Corwin, *The Srebrenica Massacre: Evidence, Context, Politics* (n.p..: Alphabet Soup, 2011), 7-8.

Here, in the media report, we have no intention of dealing with numbers, legal definitions, or any sort of context that made the tragic events in Srebrenica, especially the fall of Srebrenica in 1995, a buzz word for genocide at the end of the 20th and the beginning of the 21st century.

Here we will analyze how international mainstream media reported on the events. In this book, Edward S. Herman[200] and Philip Hammond[201] analyzed media coverage of the occurances in Srebrenica in July 1995.

2.8.1. U.S. Media Coverage of Srebrenica by Professor Edward S. Herman (April 1993 -November 2004)

The late Professor Herman analyzed the U.S. media coverage of Srebrenica in Chapter 8. Here we will present his findings:

> This chapter is based on a review and analysis of 95 print media articles that had "Srebrenica" in their title, published in six major U.S. media outlets between April 1993 and November 2004. Sixty-three of the articles were in the two leading papers, the New York Times (28) and Washington Post (35), ten were in the Boston Globe, seven in the Christian Science Monitor, four in Newsweek, and one in USA Today. Seventy-one of the 95 articles were published in mid-July 1995 or after and therefore deal with the events in and around Srebrenica when the "Srebrenica massacre" took place; the remaining 24, of which 14 were in the Washington Post, center in an earlier Bosnian Serb siege of Srebrenica in the Spring of 1993.
>
> The main features of these articles are their formulaic character, their uniform adherence to a quickly established Western party line, their limited use of sources, and their failure to provide context or ask challenging (and sometimes obvious) questions. Twenty-one of the 71 that date from mid-July 1995, refer with only minor variation to the killings as "the worst massacre in Europe since World War II," and a majority give a figure for the missing or executed "Muslim men and boys" ranging from 2,500 to 8,500. The former smaller figure was given early but was quickly dropped in favor of 7,500-8,500, which was based on initial and unverified Red Cross estimates of people claimed to be missing. In contrast with the eventual downward adjustment in claimed

200 Corwin, *The Srebrenica Massacre*, 299-300. Edward S. Herman is Professor Emeritus of Finance at the Wharton School, University of Pennsylvania, and has written extensively on economics, political economy, and the media. Among his books are *Corporate Control, Corporate Power* (Cambridge University Press, 1981), *The Real Terror Network* (South End Press, 1982), and, co-authored alongside Noam Chomsky, *The Political Economy of Human Rights* in two volumes (South End Press, 1979) and *Manufacturing Consent* (Pantheon, 2002). He is also the co-editor, alongside Philip Hammond, of *Degraded Capability: The Media and Kosovo Crisis* (Pluto Press, 2000) and, most recently, co-author, alongside David Peterson, *of The Politics of Genocide* (Monthly Review Press, 2010).

201 Corwin, *The Srebrenica Massacre*, 299. Philip Hammond is a Reader in Media and Communications at the Faculty of Arts and Human Sciences, London South Bank University. He is the co-editor, alongside Edward S. Herman, of *Degraded Capability: The Media and Kosovo Crisis* (Pluto Press, 2000), and the author of *Framing Post-Cold War Conflicts: The Media & International Intervention* (Manchester University Press, 2007), *Media, War and Postmodernity* (Routledge, 2007), and co-editor, alongside Andrew Calcutt, of *Journalism Studies: A Critical Introduction* (Routledge, 2011).

numbers of people killed on 9/11 and in Croatia's Krajina region in August1995, the initial estimate of Srebrenica victims remained firm, despite its exceedingly weak base in a Red Cross calculation, the evidence that many Muslim men were killed in fighting while in flight and that many escaped to Bosnian Muslim territory, and the failure to find bodies and provide forensic evidence supporting anything like a 7,500-8,500 value. . . . The high initial figure being politically convenient, it was quickly made a "truth" that could not be questioned without drawing the charge of apologetics for genocide. In the 71 relevant news articles there is not a word of doubt or question about the possible bias in the initial levelas a measure of executions, or is there any call or thought to reconsider in the light of the absence of credible confirming evidence. While often stating the usual number of executed and buried (7,500-8,500) as an established fact—one even has them all in a single mass grave—the reporters very often say that executions or gravesite body numbers are "believed to be" very large, or grave sites "could contain" large numbers, or "investigators say" or are "suspicious" that large numbers may be buried or that "executions allegedly occurred"—a stream of speculation from interested parties, but never critiques of such speculation.

The bias is also reflected in the frequent reference to "men and boys" allegedly massacred at Srebrenica. There is no forensic evidence that a substantial number of "boys," meaning males too young and small to be fighters, were killed in the Srebrenica area in July 1995, and only a single article in our sample made any kind of effort to give substance to this word usage. But the "and boys" helps support the notion that it wasn't just a killing of soldiers by the Serbs, but an attack on "civilians," a charge already threatened by the acknowledged Serb protection of women and "children"[202]. . . . "As regards Srebrenica itself and its surrounding towns, there is solid evidence that the Serbs were driven out of Srebrenica in the years 1992-1994, and that scores of nearby towns were destroyed and subjected to ethnic cleansing and killings that ran to over a 3,000 civilians, but in the articles of 1993 and later the phrase is absent and the facts of ethnic cleansing of Serbs is barely detectable. Only three articles mention the name Naser Oric, the Bosnian Muslim military leader in Srebrenica, who openly bragged to Western journalists about killing and beheading Serb civilians, but who is treated in these articles as a virtual hero and in the one extensive discussion as merely a "tough" guy.

This neglect and downplaying of the prior and serious Serb victimization helped make the Bosnian Serb killings of Bosnian Muslim soldiers in July 1995 incomprehensible as vengeance killings and part of a tit-for-tat cycle, and fitted the notion of irrational vengeance and one-sided killing by the forces of evil.

✱ Only two of the 71 articles dealing with the Srebrenica events of 1995 mention the ethnic cleansing of some 250,000 Serbs from Croatia's Krajina region in August 1995, and only one of these two mentions a possible link to the Srebrenica massacre. Bias is evident here at several levels. For one thing, the sheer lack of interest in this case is enlightening. This was the largest single act of ethnic cleansing in the Balkan wars, yet it is given negligible attention here and in the Western media more generally. The estimates of killings in this operation are uncertain, but run up to 2,500, and the deaths in this case, in contrast with the "Srebrenica massacre," were largely of civilians, including women and children (not just "men and boys"). It is very possible that more civilians were killed in this episode than in Srebrenica in July 1995.

202 Corwin, *The Srebrenica Massacre*, 248-249.

As we would expect, the difference in word usage and admissible fact is marked: The Washington Post quotes U.S. Ambassador to Croatia Peter Galbraith claiming that "the Serb exodus is not ethnic cleansing,"and there the matter rests. It was simply a "military offensive," and population "exodus," with even a suggestion that this was merely a "response" to Srebrenica, and a "preemptive" action in light of what the Serbs might do later. There was no mention of anybody being killed in either article. In the New York Times, it is stated that the Croatians "opened an offensive that tilted the balance of power in the Balkans. The Croats re-conquered the Krajina region of Croatia, dealing the Serbian forces their first major defeat." This article doesn't even mention an "exodus" of refugees, let alone the fact that civilians were killed. The contrast with the treatment of the Serb attack and takeover of Srebrenica by both these major papers is dramatic and revealing.

A final point is that although this massive operation in Croatian Krajina was carried out in the month after the Srebrenica takeover, and although Madeleine Albright began to focus intensively on the Srebrenica massacre and show satellite photos supporting the Western claims in the very month of the Krajina assault, there is only the vaguest hint in a single article that one function of the outcries over Srebrenica might be to obscure the U.S.-supported massive ethnic cleansing in Krajina. In this respect, as well as others, the U.S. media's adaptation to U.S. policy was all that U.S. policy-makers could ask.

✱ In six articles there is mention of satellite evidence that the United States presented to the United Nations in August 1995, giving supposed photo documentation of massacres in July. None of the reported photos showed killings, bodies, graves being dug, or bodies being removed and reburied—all but one of our six articles mention only the photo showing a group of assembled prisoners and a subsequent photo showing a nearby field with ground recently dug or disturbed. One article mentions a photo of a backhoe digging, where the Serbs "might have been trying to hide evidence," but "the effort was either botched or frost and rain exposed bones that were sitting just below the surface." None of the six quote Madeleine Albright's statement in August 1995 that "We will be watching," which suggests that special attention would be given to providing satellite evidence. None of the six ask obvious questions, such as: with an acknowledged interest in providing evidence of Serb executions why are there no photos of corpses, burials in process, and trucks carrying away several thousand bodies to new grave sites as later alleged? This lack of media interest in satellite-based evidence is especially notable as the media were claiming a "huge Serb effort to hide bodies by moving and reburying them." They never ask why the photos have been kept out of public view or challenge this secrecy. The failure to even raise such questions reflects the gullibility of journalists who know the truth in advance of gathering relevant facts, and who therefore serve as de facto propagandists.

✱ In none of the articles is it suggested that the United States and its NATO allies have any interest in the Balkans except as honest brokers and peace-makers pained by ethnic cleansing. They are regularly portrayed as mainly good-hearted but ineffectual bunglers, who failed to recognize evil and intervene with force. Could German and Austrian policy be based on traditional hostility to the Serbs and a desire to renew their earlier sphere-of-influence role in that area now that the Soviet Union was gone and any reason to support an independent Yugoslavia had ended? Could the Clinton administration be intervening at the behest of powerful lobbies, or to strengthen relationships with Muslim allies like Saudi Arabia and Turkey, or to distract attention from political problems at home? These questions never arose once in the 95 article set, nor did they ever arise in Marlise Simons' numerous articles in the *New York Times* on the International Criminal Tribunal for the Former Yugoslav[ia].

✱ In none of the articles was it ever suggested that the Bosnian Muslims needed a "Srebrenica massacre" to achieve their political aims, and that they played an important role in facilitating the Srebrenica takeover, in assuring some killings, and in helping produce an adequate number massacred. None of the articles mention the credible report that Clinton told Izetbegovic that he needed 5,000 bodies at Srebrenica to obtain NATO military support. None of them mention the fact that the Bosnian Muslims refused to provide the Red Cross with the names of people who fled Srebrenica and made it to Bosnian Muslim lines, which would have reduced the initially established "missing" total. None of them mention the claims and evidence that Izetbegovic and associates were willing to kill or see killed their own civilians and personnel to make political capital. None of them mention the ease with which a small number of Bosnian Serbs were able to capture Srebrenica in July 1995 and none speculate on the politics of the Bosnian Muslim withdrawal.

✱ Although the articles regularly mention that Srebrenica was declared a "safe area," and stress both the Bosnian Serb violation of their safety and the UN failure to protect it, they give little or no attention to the fact that the Bosnian Muslims were supposed to have been disarmed in those areas, but were not and in fact carried out regular forays against the nearby Serb towns from those safe retreats. Ignoring this other side of the "safe area" failure helped make the Serb attacks seem even more outrageous.

✱ A repeated theme of the supporters of the Yugoslavia Tribunal and campaigners for retribution for the Srebrenica massacre is that justice is required in order to begin a reconciliation process. This of course is the alleged basis of the insistence that the Bosnian Serbs confess to their crimes at Srebrenica, as well as for the substantial investment in forensics and body counts and identification at Srebrenica. This justice for reconciliation demand is very selective: there is no such demand for justice for the Krajina Serb victims or literally thousands of Serb victims in Western Bosnia, only for the Bosnian Muslims. There is also no reason to believe that a one-sided call for justice, with the other side feeling strongly the discrimination, will help reconciliation in any way. Nor is there any reason to believe that reconciliation is the aim of those pushing for Serb confessions and other acts of penance. But the articles examined here repeat this theme without qualification.

In sum, the U.S. media treatment of Srebrenica in our sizable sample lacks minimal journalistic integrity. It follows a de facto party line, taps sources that take that line as a given and excludes all others, fails to provide adequate context and is simply unable and unwilling to ask obvious questions and investigate issues that cry out for investigation (like the alleged satellite evidence of killings). Like the U.S. media's news coverage of the May 1981 papal assassination attempt, or the Soviet shooting down of Korean Airliner 007 in 1983, this is propaganda under the guise of news."[203]

2.8.2 U.K. Media Coverage of Srebrenica by Philip Hammond

(July 1995-2001)

Philip Hammond analyzed the U.K. media coverage of the tragic event in Srebrenica in 1995. Chapter 9 was dedicated to a well-documented analysis of the British media that starts from early July 1995, the context, background, and explanations in early press reporting,

203 Ibid, 252-255.

throughout early reporting on massacres (late July-October 1995) until 2001, which covers the role of the ICTY (International Criminal Tribunal for the former Yugoslavia) and labelling of Srebrenica as "genocide". His analysis portrayed both sides, Muslim and Serb, as well as the international actors in the Srebrenica tragic event. Here we will present the integral parts of his analysis, as we found them important for our media report:

> I. How was the Bosnian Serb assault on Srebrenica reported at the time?
>
> (*early July 1995*)
>
> Two features of the early U.K. press coverage of Srebrenica stand out: First, although still not very full, there is occasionally more context and background given than in most later reports, with the Serbian assault on the town sometimes presented in the context of fighting between Bosnian Serb and Muslim forces; second, there is a major preoccupation with the implications of the fall of Srebrenica for the West's authority, so that at times the Serbs' apparent contempt for Western policy seems to be the more important concern, rather than the fate of the town's Muslim population.
>
> Both of these features of press reporting in early July 1995 are in contrast to later treatment of the story, where the emphasis is unequivocally on crimes committed at Srebrenica by the Bosnian Serbs, presented as the result of premeditated, one-sided, 'genocidal' aggression.
>
> (i) Context, background and explanation in early press reporting
>
> Contrary to the picture of a one-sided, genocidal attack which emerged later, some early reporting suggested that there was fighting between Serb and Muslim forces around Srebrenica. On July 7, 1995 *The Independent* reported "The heaviest fighting in three weeks…with Bosnian Serbs firing rockets into the pocket, possibly in response to raids by Muslim forces," while on July 11 *The Guardian* said that "Dutch 'blue helmets' in Srebrenica find themselves shot by both sides."
>
> Given the general pattern of Western coverage of Bosnia—whereby Serb attacks often appeared as unprovoked aggression because the provocations went unreported—journalists and commentators sometimes seemed puzzled at the Bosnian Serb decision to attack the town. *The Times* argued that "The taking of Srebrenica is more a display of Serb machismo than an act of strategic importance," while other reportsinterpreted the move as an attempt to humiliate the West. . . . Where the Bosnian Muslim attacks on surrounding Serb villages—launched from within the supposedly demilitarised "safe area"—were reported, these tended to be minimized. On July 13, 1995 *The Guardian*'s Ian Traynor reported that "The villages under Bosnian Serb control are poorly defended. By taking Srebrenica, they would neutralize the Muslim threat, free manpower and remove an obstacle to their longstanding aim to enjoy full control of eastern Bosnia." However, he noted that "The Bosnian Serb high command organised visits for foreign journalists to the nearby village of Visnjica, which had just come under Muslim attack," implicitly presenting this as a deliberate propaganda move by the Serbs, unlike the way that official Bosnian Muslim efforts to draw Western sympathy were usually taken at face value. Traynor also minimized the significance of the Muslim attack on the village by suggesting it was merely "an attempt by the Muslims to sully Serb enjoyment of a symbolic day in their calendar, St Vitus's Day on June 28," and writing mockingly of General Ratko Mladić's vision of a "pan-Serbian paradise."
>
> In the same edition of *The Guardian*, columnist Martin Woollacott noted that "The Serbs could have taken Srebrenica…any time these last two years," asking "Why have

they chosen this moment to play a card they have always kept in reserve?" He argued that "Minor attacks out of Srebrenica by the local Muslim forces were not a serious problem," suggesting that the Serbs' aim may have been to free up troops to send to Sarajevo, "where Bosnian government forces are stronger." He also suggested that "it may be that the Bosnian Serb leaders could think of nothing else to do….This was something that could be done, so it was done." This is a weak explanation, but again it contrasts with later reportsof a premeditated campaign of genocide. Woollacott also undercut any suggestion that the Bosnian Serbs may have been responding to Bosnian Muslim attacks by remarking on the "monstrous self-pity" which allegedly led the Serbs to "cast themselves as martyrs" defending"Serbdom."

Perhaps the most interesting explanation was that offered by *The Times*'s Defense Correspondent, Michael Evans, in a July 14 front-page report titled "Muslim soldiers 'failed to defend town from Serbs'," which relied on military and intelligence service sources. The article noted that Bosnian Muslim forces in Srebrenica "put up only a brief fight…and their commanders left the night before the Serb tanks entered the town." According to one "intelligence source:" "'The [Bosnian Muslim Army] just melted away from Srebrenica and the senior officers left the night before'." Srebrenica had been effectively abandoned "to a relatively small Serb advancing force." Challenging other reports that "up to 1,500 Serbs were involved in the assault," Evans cited intelligence estimates that "the main attack was carried out by a force of about 200, with five tanks." According to one of his unnamed intelligence sources: "'It was a pretty low-level operation, but for some reason which we can't understand the [Bosnian Muslim]…soldiers didn't put up much of a fight'." This description of a "pretty low-level operation" stands in marked contrast to the coordinated campaign of genocide suggested by later coverage.

Evans also departed from what was to become the usual script when he noted that despite Srebrenica having been "officially demilitarised" in 1993, Bosnian Muslim forces in the town "were not short of weapons" and had been "shelling Serb units along the main road to the south." The Muslim forces had been "'adequately armed' for street fighting." According to his "intelligence sources," it was this "harassment which precipitated the Serb attack," although it was "an opportunist move" on the part of the Bosnian Serbs: "The apparent decision by the Muslims to abandon the town provided the Serbs with a sudden opportunity to occupy Srebrenica."

Evans raised the possibility that the Muslim abandonment of Srebrenica may have been mainly due to military weakness, since the "local defenders" were possibly "incapable of mounting a defence." He also noted that: "If it was a political decision to abandon Srebrenica, it could be seen by the Serbs as an invitation to move on to the next Muslim enclaves, in particular Žepa and Goražde." Srebrenica later came to be seen as a highly significant event—the"greatest atrocity since WWII"—but in early coverage, before this belief was established, the event did not seem so important in itself. What made the fall of Srebrenica important for U.K. reporters and commentators was not so much particular events on the ground but the perceived challenge which the Serbian action presented to Western authority. Indeed, it may have been this feeling of humiliation which predisposed many writers to turn Srebrenica into one of the most powerful examples of Serbian evil.

(ii) Indignation that the Serbs flout the West's authority

It is striking how often Srebrenica is presented, less as a defeat for the Bosnian Muslims, than as a defeat for the West. The Independent's July 13, 1995 leader column

began with the words: "Farce, fiasco, catastrophe, humiliation" — all terms which "politicians and commentators have used…in the past 24 hours to describe the fall of the Srebrenica enclave." Two days later, the paper's editorial bemoaned the spectacle of "the mighty West, with all its bombs, planes and missiles…reduced to wringing its hands on the sidelines." *The Independent* said that the UN now faced "a rout," predicting that "a withdrawal…will cause a crisis of confidence in international institutions." Describing the "killing fields of Srebrenica" as provoking "the gravest geopolitical impotence in Europe since the war against Hitler," the article suggested that the post-World War II order was coming to an end, describing the United States, "the continent's guarantor of peace and security for 50 years" as merely "postur[ing] chaotically from afar." The editorial explicitly portrayed Bosnia as a contest between Europe and the U.S., arguing that "Pax Americana has had its day on our continent. It is time for Pax Europa. But once again, the Balkans are the proving ground."

In *The Times*, Michael Evans and Tom Rhodes suggested that the Serbs' capture of Srebrenica struck "a mortal blow to UN credibility." It was as if the attack was less on the Bosnian Muslims than on the West: It was the UN which was said to have suffered "another deadly blow"at the hands of the Serbs.

Similarly, in *The Guardian*, Ian Traynor described the Serbs as treating the UN with "their customary contempt" because of the Dutch troops taken hostage. Martin Woollacott said that "The Serbs are runningus ragged." The seizure of Srebrenica was "another [in] the long listof UN humiliations," as General Mladić had "always used the enclaves to taunt the UN and diminish its commanders."

II. Early reporting of massacres

(*late July - October 1995*)

Looking at this period of the coverage, two things seem striking: First, that there is still some reporting of context, but less than in initial reports; second, that the estimates of numbers missing and presumed dead vary widely and develop into an orthodoxy only slowly over a period of weeks.

(i) Context, background and explanation

On July 16, 1995, John Sweeney noted in *The Guardian* that "The fall started with a massacre of the villagers of Visnijca. Burning roofs, butchered peasants: a familiar sight but with a twist. The killers were Muslims, the victims Serbs. In early June a commando of Bosnian armija, loyal to the multi-ethnic but mainly Muslim Sarajevo government, had left the enclave to torch Visnijca." This is thin, but it does present the Serb attack on Srebrenica as part of an on-going conflict between two sides, rather than a premeditated plan for genocide. Sweeney's explanation of the attack was that "Their blood up, the Bosnian Serbs took their revenge."

In *The Independent*, Robert Block reported that "Muslim soldiers from Srebrenica were effective fighters and on several occasions during the war managed to break out of the enclave and raze several nearby villages, killing many Serb civilians in the process." Again, this is hardly substantial, but does at least differ from the way that later reporting often tended to present the Muslims of Srebrenica purely as victims.

(ii) Estimates of numbers missing

With hindsight, it is instructive to examine how the estimates of numbers missing or killed varied widely, and to track the sources who were suggesting different figures. John Sweeney's July 16 report, quoted above, asserted that "Everyone knows what

is happening to the Muslim men of Srebrenica right now. Around 10,000 of them have gone missing. They are being 'questioned'." In the same day's edition of *The Guardian*, E.U. commissioner for humanitarian affairs Emma Bonino was quoted as saying that "The major problem is missing persons…some 15,000 of them."

It seems clear that the 10,000 estimate was worked out on the basis of subtracting the number of refugees from Srebrenica from the estimated 1993 population of the town. As Christopher Bellamy reported in *The Independent*: "There were some 42,000 people in the enclave in 1993. Yesterday the UN refugee camp at Tuzla had registered 6,440 refugees, mainly women, children and old men, with a further 10,500 in camps nearby. Another 11,000 are believed to be in the surrounding area. The figure of 10,000 missing is therefore speculative, based on a 1993 estimate, which disregards the number who may have died or escaped during two years of hard conditions." It also seemed, from Bellamy's report, that the Bosnian Muslim government was the source of the estimate: "the Bosnian authorities yesterday demanded action to find and rescue the estimated 10,000 people still unaccounted for." The method of calculation, let alone the credibility of higher estimates such as Bonino's figure of 15,000, was rarely questioned. It was, however, noted in *The Guardian* that "The number of people missing in Srebrenica is still unknown. The official population before it fell was 40,000, but it had been cut off for three years and aid agencies believe the Bosnian government over-estimated population figures to maximise the flow of aid." If this is correct, it seems certain that the 10,000 figure was known to have been an over-estimate.

In fact, compared with what later became established as orthodoxy ,some of the estimates given in reports from this period appear cautious and conservative. For example, a July 25 report in *The Independent* mentioned that "Some estimates of prisoners executed are as high as 4,000." At this stage, the number "missing" was distinguished from the number "massacred," as in a further report from *The Independent* which noted "as many as 6,000 missing Muslims" and "as many as 4,000 captured Muslim men from Srebrenica…summarily executed by the Serbs." The former figure appears to have come from the International Committee of the Red Cross, and the latter was said to be based on accounts from "Muslim refugees from Srebrenica and testimony from Serbs living in towns and villages nearby." Notably, the summary executions were said to be of "Srebrenica fighters."

On July 25, *The Guardian* reported a press conference by UN envoy Tadeusz Mazowiecki at which he said that "7,000 people were missing from Srebrenica," suggesting that here had been "extremely serious violations [of human rights] on an enormous scale," and that "Barbaric acts have been committed." The report noted, however, that although there had been many refugee accounts of atrocities, "analysts caution that atrocities in wartime are almost invariably exaggerated by confusion, fear, propaganda or psychological warfare." The report also noted the lower estimate of 4,000 killed, and like other contemporaneous articles, quoted Dutch defense minister Joris Voorhoeve's remark that the Dutch UN troops in Srebrenica said they saw "terrible things, but what our soldiers saw does not account for the disappearance of thousands of people."

Shortly after Mazowiecki's statement, the UN Security Council responded to U.S. Ambassador Madeleine Albright's revelation of alleged aerial surveillance photographs before the Council. *The Times* reported that UN Secretary-General Boutros Boutros-Ghali had been instructed to "compile a report on possible 'crimes against humanity'." The article mentioned Albright's estimate that "up to 2,700 Muslim men

had been shot dead," but it also said that "the Red Cross estimates that 6,000 people are missing," that "America puts the total of those unaccounted for at 13,000," and that Amnesty International had said that "many thousands of men, including boys as young as 12, remain unaccounted for and may have been deliberately or arbitrarily killed," reinforcing "estimates that up to 4,000 Muslim males may be missing." All these estimates appeared in the same report, creating a highly confused picture.

Perhaps the key contribution made by Albright, helped by UN officials and others, was to characterise the deaths at Srebrenica as part of a pre-planned massacre, not as having arisen from a military conflict. In the Security Council chamber, Albright said that "These dead were not killed in the heat of battle. They were systematically slaughtered on the instructions of the Bosnian Serb leadership." Reporting these words, John Sweeney noted that Albright's use of the aerial photographs at the Security Council had been timed to counter any "'good propaganda' for the Serbs" generated by images of "the misery of the Krajina Serbs, ejected by the Croat army: a mudslide of humanity trekking from the homes they had lived in for generations; homes burnt; Serbs stoned while Croat police looked on, immobile." An observation such as Sweeney's was rare at the time, and quickly disappeared from the coverage altogether.

Albright's UN performance was seized on by many as providing what *The Guardian*/*Observer* described in the headline to Sweeney's article as "hard evidence of a massacre of up to 2,700 men and boys." Of particular note was a report by David Rohde for the U.S.-based Christian Science Monitor, which The Guardian reprinted on August 19. In this report, Rohde claimed to have visited a site shown in one of Albright's photographs, where he found "a decomposing human leg protruding from freshly turned dirt." At this stage, Rohde still mentioned a "United Nations official estimate that 4,000 to 6,000 Muslim men are still missing," but by October 1995, the commonly accepted estimate had risen to around 8,000, apparently originating from the Red Cross. . . . At the beginning of October, The Independent reported that "The Red Cross has said 8,000 of the 42,000 people in Srebrenica before its fall remain unaccounted for," and an editorial at the end of the month said that "More than 8,000 men and teenage boys are still missing following the fall of Srebrenica. Most, it is assumed, were massacred when the Bosnian Serbs overran the town in July."[204]

Hammond, as many others who just followed the leads (which was what journalism was about once upon a time) dealt with the reporting on the numbers of victims of the tragic event in Srebrenica. Here is what he found out:

(iii) The bodies in Tuzla

A number of articles mentioned the bodies in the morgue in Tuzla as proof of the Srebrenica massacre. Despite the established estimate of 7,000 - 8,000 dead, there were still varying accounts of the numbers killed.

In April 2001, *The Guardian* said that, as against the ICRC estimate of "7,300 men and boys" massacred at Srebrenica, "Relatives of the missing estimate the death toll to be closer to 10,000." The report said that "By September last year 4,000 bodies had been exhumed from mass graves around the town, but only 76 had been identified with any certainty."

In July, *The Independent*'s Kate Holt said that "it is now thought that nearly 9,000

204 Ibid, 259-266.

men were slaughtered," though she did not make clear why this was thought, nor who thought it. She did, however, say that "So far, more than 4,700 bodies have been uncovered….Only 180 of these bodies have so far been identified." If these figures were accurate, they would imply that 700 more bodies were discovered between April and July 2001, and that a further 104 had been identified.

A few days after Holt's report, *The Independent* ran an article by a (presumably) Bosnian Muslim journalist, Nedim Dervisbegovic, reporting from Sarajevo that "Bosnian Muslim officials say they have found a mass grave in eastern Bosnia containing more than 200 victims of the Srebrenica massacre in which up to 8,000 Muslims died." Note that in Sarajevo it is apparently thought that "up to 8,000" died, not 9,000 or 10,000. Dervisbegovic quoted one official describing this as "one of the biggest findings in a single mass grave we have had so far….It is difficult to say exactly how many bodies were there but it is definitely more than 200." The article said that "Some 4,500 bodies of Srebrenica victims have been found in individual and mass graves or scattered in woods in eastern Bosnia."

Three days later, *The Independent* carried another article about Srebrenica, this time stating that "Almost 8,000 disappeared," but predicting that "By the end of this year, the bodies of some 6,000 massacre victims will have been exhumed." The article also noted that "even with the help of DNA technology, only 100 or so a month are being identified." This prediction gets the number of bodies allegedly found closer to the accepted total of 8,000 victims, though it is not clear why there is an expectation that 6,000 will have been exhumed by the end of the year. There is no attempt at consistency across different articles in the same paper, even over a matter of a few days.

The most informative article on the topic appeared in *The Guardian* on August 3. Jennifer Friedlin (who estimated 7,500 killed at Srebrenica) noted that "About 4,000 plastic bags containing the remains of an estimated 3,000 - 3,500 people slaughtered at Srebrenica have been neatly stored and tagged on shelf after endless shelf." This seems more credible—not 4,000 or 4,700 or a "predicted" 6,000 bodies, but 4,000 bags, containing the remains of fewer people. Unusually, Friedlin also raised the possibility that some of the bodies being exhumed may not be Bosnian Muslims, citing the Sarajevo-based International Commission on Missing Persons' estimate at the time that "of the 30,000 missing bodies in Bosnia Herzegovina, more than two-thirds are Muslim, 4,000 - 7,000 are Serb, and just under 1,000 are Croat."

IV. Naser Oric: The "Muslim Robin Hood"

One of the most notable features of coverage of the Bosnian Serb assault on Srebrenica is that the event is rarely understood and explained in the context of civil war. One indication of this is the negligible number of articles that mention the local Bosnian Muslim leader, Naser Orić. Searching for articles about Srebrenica which mentioned Orić since July 1995 turned up only nine articles across four papers over nine years. The press portrayal of Orić has changed over that time, but his importance apparently remains marginal.

In the first, and most substantial article, from July 1995, "General Orić" is hailed as the "Muslim 'Robin Hood'." Despite reporting that "Orić…is regarded by his own people as a Robin Hood figure whose daring antics have helped to keep the enclave fed and defended," the article does mention Orić's raids on Serb villages around Srebrenica as the reason for the Serb attack. The impact of these raids is minimised, but at least at this stage the reporter feels obliged to provide some semblance of an explanation: "Those raids were used as the justification for the Bosnian Serb drive against the 'safe

area'. 'It was simply a terrorist stronghold and we couldn't tolerate it any longer', Radovan Karadžić, the Bosnian Serb leader, said yesterday."

While the Serbs are presented as having been engaged in "ethnic cleansing," Orić's activities are presented as less serious, with no killings mentioned: "During the bloody autumn of 1992, when Bosnian Serb soldiers and their paramilitary allies were 'cleansing' eastern Bosnia of Muslims, Naser Orić and his men were striking up and down the Drina river valley, stealing livestock, burning villages, and inflicting stinging humiliations on the Bosnian Serb army flanks." The final raid, on the village of Visnjica, is mentioned as the Serbs' reason for taking Srebrenica, and Lieutenant-Colonel Milovan Milutinovic is quoted as saying that "Since January, 50 Serbs have been killed in terrorist actions. We can no longer tolerate Unprofor failure and inaction. We will go in and do Unprofor's job for them. We will demilitarise Srebrenica." However, it is made clear that this is simply an excuse, and that the raid on Visnjica was merely an attempt to obtain food since the Serbs were blocking aid convoys: "Following months when the Serbs had been restricting aid convoys into the enclave, a Muslim raiding party from Srebrenica attacked Visnjica, a nearby Serb village. They were probably after livestock, but the Muslims also burnt six houses, killed one Serb soldier and badly wounded an old woman. The authorities immediately took a small group of foreign journalists to Visnjica to prepare world public opinion for an attempt to overrun the enclave."

A few days after this article in *The Independent*, *The Guardian* mentioned Orić as "the Bosnian commander of Srebrenica" who had "capitulated" as "a deal was cut": "The Bosnian soldiers agreed to surrender their weapons to the UN and, in return, the Serbs agreed to stop the attack." Orić is presented here as "a superb guerrilla commander, the best in the Balkans," according to UN sources. It is therefore a mystery why "Orić and his 250 crack troops hardly tried to fight." The "UN sources" cited in the article suggest that "as a good military commander, Orić could see that defending Srebrenica was hopeless and withdrew his men to the hills to wreak havoc on the Serbs from there—'which', says the UN, 'they are well able to do'." The article notes, however, that "Conspiracy theories abound that some deal was done—that he and his men withdrew 24 hours before the town fell and that the Bosnian government, knowing that Srebrenica was unviable, was glad to have its international victim status restored." The intention is evidently to underplay these "conspiracy theories."

By November 1995, during the Dayton peace talks, the possibility was raised that Orić - described as "a Bosnian government military commander in an eastern Muslim enclave," and "commander of the Srebrenica enclave" - was "expected to be indicted for war crimes." Orić did not figure prominently in this brief story, nor did Srebrenica, since the prospect of his being charged for war crimes did not sit easily with the orthodox version of the Srebrenica massacre. Efforts to maintain Orić's "heroic" image continued in John Sweeney's December 1995 description of him as "the capable Bosnian commander of the town's militia."

By the following year, Serbian allegations of atrocities committed by Orić were being mentioned, though sometimes in such a way as to cast doubt on them. Julius Strauss wrote in the *Daily Telegraph* that "Bosnian Serb television likes to show one particularly gruesome half-hour film with close-up shots of atrocities allegedly committed by the military commander of Srebrenica, Naser Orić, against Serb villagers." Another 1996 *Telegraph* article acknowledged that "many Muslims blame Mr Orić for the breakdown of law inside the Srebrenica pocket" and that for "many Srebrenica refugees" Orić is "a hate figure accused of making money out of the misery of

> others." More controversially, the article went on to note that "he is also accused by the Bosnian Serbs of being a war criminal who organised attacks on Serb civilians near Srebrenica throughout the war." Unusually, this general statement was not undermined but supported by specific illustration: "For Veselen [sic] Sarac, a Bosnian Serb now living in Milici, there is little doubt that Mr Orić is a criminal. More than a dozen white flecks of scar tissue on his arms are all the proof Mr Sarac needs for what sort of man Mr Orić became in the war."
>
> Orić then seems to have disappeared from articles about Srebrenica until 2001, when he got a brief mention in reports on proceedings at the ICTY. Both articles implied that he was being unfairly accused of war crimes. In *The Guardian*, Jonathan Steele reported that Orić wanted to "tell the Hague tribunal the truth about his role during the 1992 – 95 war," and that he had "led the defence of Srebrenica before thousands of Muslim men were massacred." In the *Daily Telegraph*, Orić was described as "the Muslim commander of Srebrenica who fought off a hugely superior Serb army for several years," and it was noted that "The survivors of the Srebrenica massacre in 1995 have pledged to protect Orić, although many Sarajevans accuse him of enriching himself on the proceeds of the war." These same accusations were reported when Orić was arrested by NATO on behalf of the ICTY in April 2003. *The Independent* ran an article detailing the crimes of which he was accused, but also describing him as "widely praised in Bosnia for defending Muslims from Serb attackers." Overall, the image of Naser Orić as the "Muslim Robin Hood" remained intact.
>
> Concluding Note
>
> Coverage of the fall of the Srebrenica safe area by four leading U.K. newspapers exemplifies a pattern true for the Western media overall, whereby efforts in early and mid-July 1995 to ascertain the facts and to provide some relevant context in a difficult wartime situation quickly surrendered to a more sensationalistic tendency to dramatize a standard perpetrator-and-victim narrative which, from late July through October 1995, would generate the official version of the Srebrenica Massacre.
>
> Thus by late July 1995, coverage had already descended to the superficial and the biased. It surely did not clarify issues for the reading public, but reinforced the party line that villainized the Bosnian Serbs and treated the Bosnian Muslims as their unique victims. The background to the events of July 1995 was far from prominent even in early accounts, and virtually disappeared from later coverage. The scale and the brutality of killings of Serbs in the 32 months before July 1995 was ignored, and Naser Orić, the Bosnian Muslim fighter who commanded these large-scale killings, was portrayed as a noble defender of his comrades, not as a war criminal. Despite the appearance of varying and contradictory estimates, the numbers killed at Srebrenica in July 1995 and the manner of their deaths were never seriously examined in our media sample, and the role of the West and ICTY was also treated uncritically. Journalists' apparently keen sense of Western 'humiliation' at Srebrenica seems to have encouraged them to turn the historical events of July 1995 into an ahistorical morality tale, replete with echoes of World War II,which could then be mobilised to justify further Western intervention in the region, most immediately in the US-supported Croatian assault on Krajina Serbs."[205]

The same year when this book was published (2011), a Norwegian TV crew launched a documentary *A town betrayed*. Among the many data from the other perspective of the

205 Ibid, 268-273.

bloody war in Bosnia and Herzegovina, the part that speaks of Srebrenica brought outrage among the Muslim public in Scandinavia when Sweden decided to air the documentary. What was the turning point here was late Hakija Meholjić's confession about what had happened in Srebrenica:

> "One of the main witnesses in the film, the former mayor of Srebrenica, Hakija Meholjic, does indeed claim that Srebrenica was effectively sacrificed to the Serbs as part of a deal hatched between presidents Clinton and Izetbegovic. Meholjic has recently gone public in the Bosnian media to make it clear that he stands behind all of his statements made in the movie."[206]

The documentary made a significant impact by triggering an avalanche of criticism:

> In an interview on April 26 with the Norwegian newspaper Dagsavisen, the director, Ole Flyum, outlined his controversial views about the events in 1995 in the eastern Bosnian town of Srebrenica – views that set him sharply at odds with Bosniaks [Muslims], some of whom call him a genocide denier.
>
> "Many think of Srebrenica as a new Holocaust in Europe in which 8,000 people were massacred. In reality, it was part of extensive military actions," Flyum told the newspaper. "It appears to us an extremely chaotic situation, and not as planned ethnic cleansing."
>
> The documentary further claims that Srebrenica was effectively handed to the Bosnian Serb army as a part of a deal between Bosnia's former president, Alija Izetbegovic, and the US government led by President Bill Clinton.
>
> The film also suggests that Bosnian Serbs committed atrocities in response to atrocities committed first by the Bosniak-run Army of Bosnia and Herzegovina.[207]

Its authors went through unprecedented media outrage. And, not only media:

> When the film was first shown in Norway in April, the country's Helsinki Committee sent a complaint to the Norwegian Press Complaints Commission and the Norwegian Broadcasting Council.
>
> Flyum and the film's editor, Vibeke Haug, said in an answering letter to the Norwegian Press Complaints Commission, dated August 23, that the documentary was the result of four years of serious research by American, Norwegian, and Bosnian experts.
>
> "We accept none of the criticisms leveled against our program by the Norwegian Helsinki Committee," the letter said.
>
> "It seems to us that NHC is complaining about a documentary that we never made."[208]

206 Siri Soille, "Norwegian Film Revives Srebrenica Genocide Row," *Balkan Insight*, September 21, 2011, https://balkaninsight.com/2011/09/21/norwegian-film-revives-srebrenica-genocide-row/

207 Soille, "Norwegian Film."

208 Ibid.

Four years later, in 2015, *Reuters* published an article entitled *How the Srebrenica Massacre Cover-Up was exposed* by Peter W. Galbraith, who was once the United States Ambassador to Croatia (1993-1998). By 1995, he was following the Bosnian war first as a staffer (Senate Foreign Relations Committee of the United States) and then as the U.S. Ambassador. He was well versed in all sorts of field developments. Twenty years after the fall of Srebrenica, Mr. Galbraith, revealed a quite shocking story:

> [O]n July 24, Tone Bringa[209], a Norwegian anthropologist working for the UN mission in Bosnia and Croatia, told me an extraordinary story. She had been at the Tuzla air-base listening in as UN human rights officers interviewed refugees from Srebrenica.
>
> All of a sudden, an intense 35-year old man showed up and demanded to speak to the UN officers.
>
> He had managed to flee Srebrenica as the Serbs took it over, he said, but then was captured the next day in a forest with several thousand other men. The Serbs held him and hundreds of others overnight in a packed warehouse and then the next day took them by truck to a stadium at Bratunac. On the way to the stadium, soldiers fired into the truck, killing many.
>
> Mladić showed up at the stadium. He taunted the prisoners about the Bosnian Government's impotence and said they should have stayed in Yugoslavia. However, he promised to return them to their families if they cooperated. At the stadium, Serb soldiers tied the men's hands behind their backs.
>
> The survivor said that Serb soldiers took him and other men to a farm in nearby Konjevic Polje. The men were forced to lie down and then an execution squad sprayed them with machine-gun fire. A bullet grazed the man's temple, making a bloody mess, but otherwise leaving him unharmed. After the soldiers left, that man and another survivor hid in a ditch while the Serbs bulldozed the bodies. The two men then made a 10-day trek to Tuzla. Bringa saw the mark where the bullet grazed the man's temple and the marks on his wrists from where they were tied tightly together.[210]

Further on, Mr. Galbraith implied that the UN had neglected this testimony and that all credits went to Bosnian-speaking Bringa, who was impressed by this man's story and pressed her UN colleagues to highlight this in their report. Nevertheless, Mr. Galbraith took action:

> I had dinner with Bringa on the night of July 24, 1995. Frustrated by what she saw as a UN effort to minimize the tragedy, she asked if I could do something. As an ambassador, I controlled my own cables. I sent the survivor's story "NODIS" to the State Department with a further plea to save Žepa. "The implications are obvious," I wrote. "Undoubtedly they [Žepa's defenders] realize the fate that awaits them. They should not be abandoned."

209 Mr. Galbraith married Tone Bringa in 1996.

210 Peter W. Galbraith, "How the Srebrenica Massacre Cover-up Was Exposed," *Reuters*, July 10, 2015 (updated on April 14, 2017), https://www.thedailybeast.com/how-the-srebrenica-massacre-cover-up-was-exposed

> My cable contained a specific place—Konjević Polje—where the man said the massacres took place. On their own initiative, a couple of CIA analysts had looked through the satellite imagery from Konjević Polje on July 13, the day of the massacre. They found bodies and disturbed earth.
>
> The cable circulated among the top ranks of the State Department and the Clinton White House. While my recommendation to save Žepa was quickly dismissed (it was in the process of falling by July 25), Secretary of State Warren Christopher dispatched John Shattuck, his assistant secretary for human rights, to the region to prepare a report. UN Ambassador Madeline Albright used the satellite images found by the CIA analysts as part of a devastating presentation to the Security Council.
>
> And, U.S. policy shifted. Up until the fall of Srebrenica, the United States and the Europeans had cautioned the Croatians (and, sometimes the Bosnians) against any step that would widen the war. A week after Srebrenica fell, the Bosnian Serbs launched an attack on Bihać, an enclave in western Bosnia with four times the population of Srebrenica. If Mladić treated Bihać like Srebrenica, the number murdered would exceed 40,000. When the Croatians told us that they were willing to take military action to save Bihać (and to retake Serb-held Croatian territory), we did not object.[211]

Five years later, in 2020, the British National Archives declassified documents related to Srebrenica. According to one of them, entitled *The present situation and background*,

> The recent BSA (Bosnian Serbian Army) attack on the Srebrenica enclave was prompted by constant BiH attacks over the previous 3 months on the BSA supply route to the south of the enclave. The BSA attack are almost certainly initiated by the local commander and we do not think they are part of a Pale inspired plan to overrun the enclave.[212]

This was a real twist, though many important documents have been out of the public light. Yet, the media went frantic:

> According to *Alternativna TV*, one of the hitherto secret documents reveal that the Canadians harboured "dark doubts" as to why Bosnian Muslim troops allowed Srebrenica to fall so easily.
>
> When Serbs entered the town, General Mladić threatened the Dutch camp if UN troops did not disarm Muslim troops. . . . the report confirms no Bosnian army soldiers remained at the camp, all 2,000 armed Muslims had simply disappeared in the night in the direction of Tuzla.
>
> However, at the camp were 3,000 civilians with another 20,000 outside mostly women and children. And there were Bosnian Muslim soldiers located to the west of the

211 Galbraith, "How the Srebrenica Massacre Cover-up Was Exposed."

212 Released documents can be found on the official website of The National Archives of UK. The National Archives online: PREM 19 – Records of the Prime Minister's Office: Correspondence and Papers, 1979-1997. YUGOSLAVIA. Internal situation: UK/Yugoslavia relations; part 46. http://discovery.nationalarchives.gov.uk/details/r/C17071119 (accessed November 17, 2020)

enclave, it is claimed. The ICTY has convicted Mladić and others of the genocide of up to 8,000 men in the days that followed.[213]

Still, discomfort and fear dwell among those who tried and try to point at the role of the media as means of propaganda used during the wars in the Balkans in the 90s. Here we will present the conclusion of the report authored by a Dutch journalist who wishes to stay anonymous for security reasons. He is afraid of what might happen to his friends and family should his identity be revealed. His paper, the complete analysis, is at the Government of the Republic of Srpska Archives. Those who want to read his full report are encouraged to address the Government of Republika Srpska so as to gain access to it:

Conclusion**:** After analyzing several primary and secondary sources from the Netherlands, the conclusion is that the Dutch media was far from objective. This conclusion is not only supported by the NIOD research, but also by the research with the title "Journalism of attachment in Dutch newspapers" from a researcher from the University of Amsterdam. In the partial research of the NIOD "Srebrenica and journalism, backgrounds and influence of media reporting about the conflict in former Yugoslavia" the main conclusion was that the Dutch media stereotypically portrayed the Bosnian war. Many Dutch journalists were aware of their shortcomings in that period because there was the morality was too high, too few facts, too many points of view, too few analyses, and too much emotion in their media reports. Afterward, the so much needed critical self-reflection was never done.

The researchers from the University of Amsterdam went further were the NIOD researchers stopped. In their research, they came with the scientific proof that the Dutch journalists practiced journalism of attachment during the Bosnian war. They investigated the Dutch newspaper and their media reports on the Bosnian war for the period 1992-1995. Most of the newspapers reported in a negative way about the Serbs which was clearly shown in their research data. They concluded that the practicing of journalism of attachment continued after the Bosnian war.

In fact, the same journalists who reported about the fall of the enclave Srebrenica, have continued to influence the public debate to this day. This can be clearly seen in the current biased media reports in the Netherlands about the fall of the enclave Srebrenica. The same frames are still being used as for example the "good guys versus bad guys" frame. The Serbs are still portrayed as the "bad guys" and the Dutchbat III soldiers as cowards who did nothing to prevent the so-called genocide of Srebrenica. Until today very little is mentioned about the many Serbian victims in and around Srebrenica.

The primary and secondary sources which were analyzed in this research support the scientific conclusions from the NIOD and the research of the University of Amsterdam. Many examples of biased media reports during the Bosnian war and especially around the events of the fall of the enclave Srebrenica have been shown in this research.

The sources, which showed the experiences of the Dutchbat soldiers, showed also the difference between the people with "the boots on the ground" (the Dutchbat soldiers) and those who were not in or near Srebrenica. The Dutchbat soldiers and their military

213 Darko Dudić, "Declassified British Papers: Serbs Were Right about Srebrenica Provocations," *Britić*, January 6, 2020, https://www.britic.co.uk/2020/01/06/declassified-british-papers-serbs-were-right-about-srebrenica-provocations/

> superiors have a very negative view of the media and felt insulted and misjudged by politicians and journalists. It seems they have a valid point seen the outcomes of the scientific researches and the many examples of the biased media reports compared with their own experiences which were shown in this research. Srebrenica will, unfortunately, stay an open wound, for the Dutchbat soldiers, but also the many victims from both sides. An open discussion on the events of the fall of the enclave Srebrenica in the Netherlands is nearly impossible to see the past and current biased media reports which created a false public debate from the beginning.Unfortunately, this is one of the reasons which prevents the so much needed reconciliation between all involved parties.[214]

For all these reasons, for everything that has already been written in this subchapter, and, above all, for the sake of intellectual honesty, we have decided to use the proven scientific method as the media content analysis (primarily quantitative, and qualitative when possible) is crucial for obtaining concrete data about the role of the media in the events that led to the war and the war itself in BiH and Srebrenica. This is why the next subchapter is the core of this media report. This subchapter will offer a real and balanced picture of the sufferings of all people in BiH and Srebrenica as innocent victims of the war that they are.

3. Media content analysis

3.1. Part I: Six months before hostilities started in the former Socialist Federal Republic of Yugoslavia

As noted before, among hundreds of thousands of pages of material that deals with the narrative, context, and media reporting on the most recent Balkan wars at the end of the previous century, scholarship is divided according to two main perspectives: one group claiming that the media influence the decision-making processes by pressing and shaping public opinion, and the other one seeing this process as the opposite of that. Decision-makers control the news flow through specific filters, and only acceptable truths can flow to the public. During the six months before hostilities started in the Balkans, preventive diplomacy from some influential countries tried to prevent bloody confrontations. As certain researchers and academics believed, the media impacted that process. One of them is a former *Agence France-Presse* correspondent, today President of the Center for Strategic Alternatives, Dr. Aleksandar Mitić. In 1997, he wrote his MA thesis entitled *Impact of the Media on Preventive Diplomacy: Three Cases from the Yugoslav Conflict* (Ottawa, Carleton University). Here, in this report, he went even further in his research:

214 Dutch Media Report, Database of the Republika Srpska Center for Research of War and War Crimes and the Tracing of Missing Persons, 2020, 118-119.

> Discourses and narratives, however, are constructed. How were they formed at the outset of the Yugoslav crisis? How were the Serbs, their interests, and values differentiated and put against the interest and values of other ethnic groups in the former Yugoslavia – primarily against the Slovenians, Croats, and Muslims in the territory of Bosnia and Herzegovina?
>
> How was this image constructed? How were the discourse and narrative formed?
>
> In this analysis, we will not find the final answer to these questions. We will attempt, however, to use the content analysis of Western media in the period before the beginning of armed hostilities to draw the contours of the archetype which certainly had a very important role in decision making, and thus impacted the course and outcome of the Yugoslav crisis.[215]

As a first-hand witness of the news agencies' work, Dr. Mitić considers that the construction of a media narrative can be seen either as produced autonomously, independently from political control and pressure, or under the strong influence of strategic communication actors. He considers that the answer is within the "nuances of grey".

> Full domination of strategic communication is hardly achievable, except in tightly-controlled media conditions. On the other side, except in absolutely free media conditions, the freedom of journalists to report without external interference is impossible. . . . However, is it even possible to accept such a viewpoint from the point of view of communication science? Let us look at some of the modern communication concepts, particularly those which, since the analysis period of 30 years ago, have gained substantial prominence in academic and professional fields. These concepts are providing tools that could at least partially explain the events of the early 1990s. A key concept among them is "strategic communication".[216]
>
> This concept of "organized persuasion" represents a "system of coordinated communication activities implemented by organizations in order to advance their missions, by allowing for the understanding of target groups, finding channels and methods of communication with the public, developing and implementing ideas and attitudes which, through these channels and methods, promote a certain type of behavior or opinion.[217]

States and organizations of various kinds are using strategic communication in order to achieve legitimacy, given that legitimacy is based on perception and interpretation – not on actions but on perceptions of these actions. To achieve legitimacy through strategic communication, organizations need trust, social capital, and networks to project their discourse, narrative, and power.[218] They do so through "framing", which is the way political discourse

215 Mitić, "Manufacturing of the 'Good and Evil' Archetype," 3.

216 Aleksandar Mitić, "Integration of techniques of online media into the strategic projects of communications" (PhD thesis, Belgrade, 2016), 9, quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 4.

217 Ibid.

218 Aleksandar Mitić and Siniša Atlagić, "From 'Twitter Revolution' Euphoria to 'Fake News' Panic: Why National Security Needs a Comprehensive Strategic Communication Context," in *Impact of Changes*

on certain themes is formulated. Public relations practitioners, from the start of their campaigns, function as "frame strategists", that is, they seek to influence the way a certain situation, attribute, choice, action, question, and responsibility is represented in order to achieve objectives.[219]

Those "frames" have a specific goal, to provoke reactions from the public. With appropriate techniques of those engaged in the process of communication, the specific goal is to achieve the final aim:

> Yet frames cannot be fully understood without narratives, just as narratives cannot function without frames. In the process of strategic communication, organizations thus use frames and discourse to shape strategic narratives. . . . Strategic narratives, however, also face limitations: from the formation of the strategic narrative to its projection and reception. This is particularly true in international environments, in which great powers must face not only a complex international environment but also a complex media ecology as well as frequent or even permanent contestation by other actors.
>
> However, the objective of each interest group is to have its narrative dominant and widely accepted as "correct". It must thus incorporate [this narrative into] the existing historical, cultural, and socio-political context: "If we hope to influence people, then we have to enable them to see that what we are saying fits with their story; or, at least, that it is not so far removed from their story that they think that what we are saying is ridiculous or that we are lying".[220]

For this report, it is extremely important to determine whether a certain frame or an archetype of *good* versus *evil* existed before the outbreak of the conflict on the territory of the former Yugoslavia. This means that it is important to determine whether the Western media with dominant influence on the public opinion used the *good and evil* archetype even before the beginning of the conflict in Slovenia and Croatia. This was an important period when preventive diplomacy could have saved the Balkans from the bloody civil wars. As noted earlier, what happened before and during the Slovenia and Croatia wars set the parameters for the later wars, particularly the war in Bosnia and Herzegovina. This analysis did not aim to address whether it was the media themselves or specific external factors that influenced the formation of the normative. The purpose of this analysis was to determine whether the narrative was constructed before the outbreak of the war.

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in Operation Environment in Preparation and Execution (Design) of Operations – Proceedings from the International Scientific Symposium (Belgrade, 2017), quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 4.

219 Kirk Hallahan, "Seven models of framing: Implications for public relations", *Journal of Public Relations Research*," 11 (3), (1999): 205–242, quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 5.

220 Christine MacNulty, "Truth, Perception, and Consequences", *The Proteus Monograph Series*, vol. 1 (2), (2007): 6, quoted in Mitić, "Manufacturing of the 'Good and Evil' Archetype," 5.

3.1.1. Slovenia and Croatia (1991): Reporting of EC media during the preventive diplomacy effort[221]

During the period we are analyzing, the EC had 12 member states, among which the most influential were France, Germany, and Great Britain. The British press was divided into quality newspapers (*The Times*, *Financial Times*, *Guardian*, *Independent*), which were considered to influence British foreign policy, and tabloid newspapers (*Daily Express*, *Daily Mail*, *Daily Mirror*), which had a higher circulation but a much lower influence on the government's decision-making processes. Britain was also home to *The Economist*, one of the most influential newsmagazines in the world. The newspapers were largely owned by conservatives like Rupert Murdoch, Robert Maxwell, and Conrad Black, and at times reflected their owners' bias. The press was also free of governmental control, more so than in many other European countries. The relationship between the press and the government policy-makers was summarized in the subtitle of a book by James Margach, a veteran *Sunday Times* reporter, worded as follows: *The War between Fleet Street and Downing Street*. Indeed, much as in the United States, the British "quality" press was considered independent, influential, and part of the government's foreign policy-making process.

In contrast, the press in Germany was under the direct influence of recent German history. The post-World War II Western German press decidedly broke away from the past of Nazi Germany and communist Eastern Germany and took a liberal democratic stance. After the German reunification in 1990/1991, there was a brief period of idealism, experimentation, and journalistic empowerment in the German press.[222] The celebration of national self-determination was common, as was the desire to "educate" the East Germans about the values of liberal democracy. The press in Germany was free from government control. The most influential print media were *Frankfurter Allgemeine Zeitung*, *Die Welt*, and *Der Spiegel*.

The French press was considered to be an important factor in French policy-making process. Until the 1970s, the French press was still under at least indirect control of the state but has since rejoined the ranks of Western democracies in terms of press freedom. Quality French dailies such as *Le Monde*, *Le Figaro*, and *Libération* exercised a strong influence among key economic and political decision-makers.[223] Among these newspapers, *Le Monde* had established a reputation for independence and non-partisanship. It was also the paper with the most in-depth coverage of international politics with detailed background articles that were highly analytical.[224]

221 The following text is an integral part of an analysis performed by Dr. Aleksandar Mitić in his paper "Manufacturing of the 'Good and Evil' in Western Media before the Beginning of Armed Hostilities in Former Yugoslavia" (original title: Izgradnja arhetipa o "dobru i zlu" u zapadnim medijima pred početak oružanih sukoba u bivšoj Jugoslaviji). The paper can be consulted at the Republic of Srpska Archives.

222 Peter J. Humphreys, *Media and Media Policy in Germany* (Oxford: Berg, 1994), 3-4.

223 Raymond Kuhn, *The Media in France* (London: Routledge, 1995), 32.

224 Ibid., 72.

3.1.1.1. Content Analysis

The content analysis will be performed on three print media outlets: *The Economist*, *The Times*, and *Le Monde*. *The Economist*, a Britain-based newsweekly, is one of the most influential media outlets in the world, with in-depth and highly analytic coverage of international affairs. It influences not only British foreign policy-making but also impacts the foreign policy-making of other countries, as well as EC's supranational bodies. *The Times* is perhaps the most influential British newspaper. *Le Monde* is the most independent and most influential newspaper in France. All articles in these three media outlets relating to the crisis in Yugoslavia in the period between December 25, 1990, and June 25, 1991, will be analyzed. This time frame was chosen because it represents a period during which the preventive effort took place. It begins with December 25, 1990 – the aftermath of the Slovenian referendum on independence, which resulted in the decision to proclaim independence within six months if no other satisfactory arrangement was made. It also followed the proclamation of the Croatian constitution, which was rejected by the Croatian Serbs as "discriminatory". The period ends with June 25, 1991, when Slovenia and Croatia declared independence, and a violent conflict began.

The analysis will focus on four terms: "Serb/Serbia", "Serbia" "Milošević", and "Federal army". The term "Serb/Serbian" is applied to both Serbs in Serbia and Croatia/Bosnia. "Serbia" represents the Republic of Serbia. "Milošević" applies to Serbian President Slobodan Milošević. "Federal army" applies to the Yugoslav People's Army. These terms represent the main supporters of federal Yugoslavia: Serbs (in Croatia, Bosnia, and Serbia), Serbia, Milošević (as president of Serbia), and the federal army. The terms could indicate the positive or negative slant of the coverage regarding both the supporters of the Yugoslav option and the Serbs (the opposition of Serbs in Croatia being the main obstacle to Croatia's independence).

All terms will be divided into three categories, based on the concept of *affect*: *negative* affect indicates that the term was used in a negative connotation in the context of the time (1990-1991) and the readership (policy-makers) (i.e. the actor represented by the term is uncooperative, threatening, manipulating, etc.). *Neutral* affect indicates that the term was used in a neutral connotation (i.e. "said", "live", "leader of", etc.). *Positive* affect means that the term was used in a positive connotation (i.e. explanation of reasons behind the action of the actor represented by the term, a depiction of the actor's fears, suffering, cooperation). The content analysis will focus on the connotation in which each of the four terms were used in all of the articles published by the media outlet in the period between December 25, 1990, and June 25, 1991. Each time one of the four terms appears in an article, it will be attached a value of *positive*, *negative*, or *neutral* – depending on the term's connotation. The total number of times each of the four terms is used in each of the three connotations will be calculated. This total will allow for an assessment of the kind of slant the analyzed terms were given in the media outlet's coverage.

The Economist

The Economist published 16 articles on the Yugoslav crisis between December 25, 1990 and June 25, 1991. All the texts from *The Economist* were analyses or comments. There was a wide range of texts: from Serbian elections and demonstrations to Croatian and Slovenian independence moves and talks on the future of the federation and potential consequences for tourism and economy.

Table 1. Number of references in "The Economist"

	Negative	Neutral	Positive
Number of references to "Serb/Serbian"	46	39	5
Number of references to "Milošević"	40	10	0
Number of references to "Federal army"	20	9	0
Number of references to "Serbia"	35	28	3
TOTAL	**141 (60%)**	**86 (36.6%)**	**8 (3.4%)**

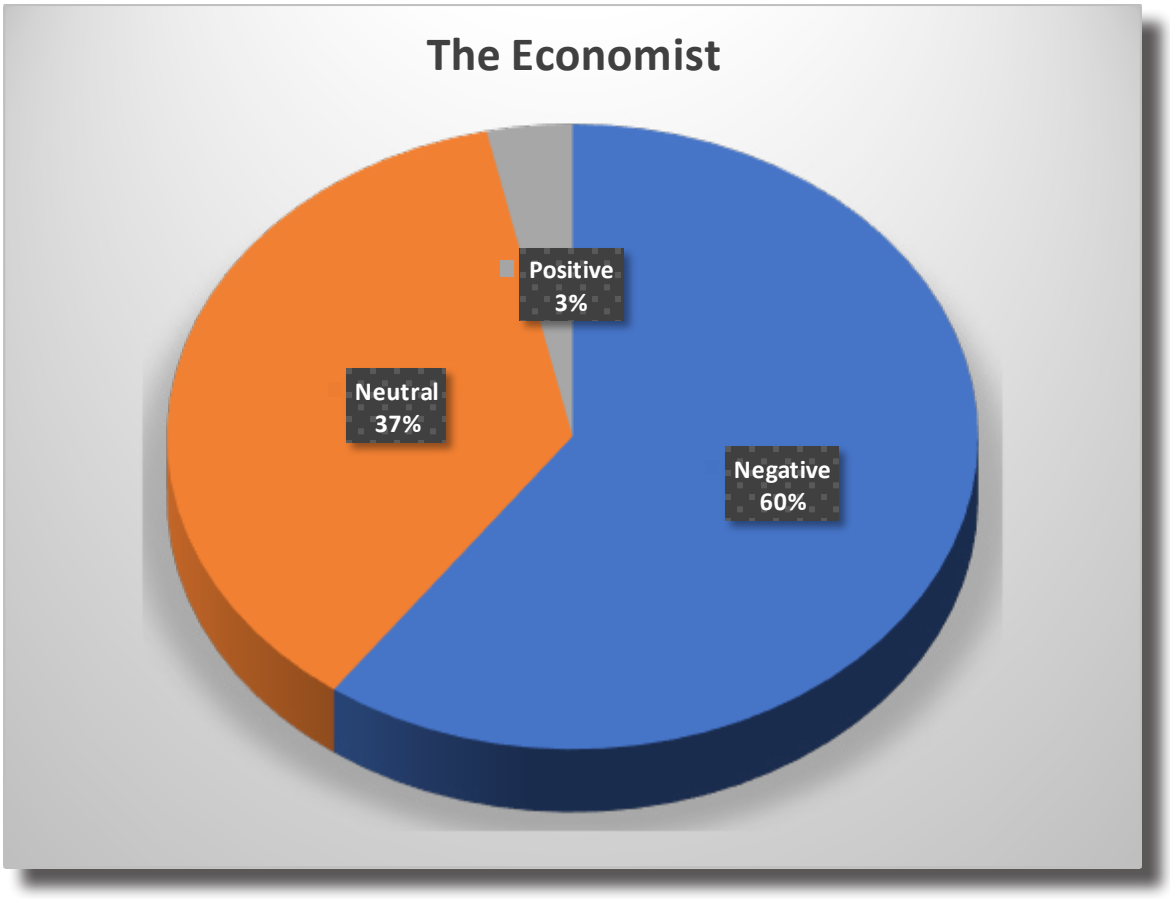


Figure 1. Number of references in "The Economist"

Table 2. Examples of references in "The Economist"

	Negative	Neutral	Positive
Examples of references to "Serb/ Serbian"	"Serboslavia", "behavior turning them against their neighbors", "complained about by Muslims and Croats in Bosnia"	"talks between", "live in Croatia"	"have been provoked", "slaughter of a third of Serbs living in Croatia"
Examples of references to "Milošević"	"turbulent", "gambler", "communist"	"leader of the country's biggest republic"	
Examples of references to "Federal army"	"made a fake video", "only communist institution of the old Yugoslavia"	"announced it would refrain from political interference but preserve the right to preserve Yugoslavia's current borders"	
Examples of references to "Serbia"	"Serbia's communism survives on nationalism", "pays the heavy cost of occupying Kosovo", "frontiers of a Greater Serbia"	"Serbia's leader", "Serbia's ally"	"Serbia not as much of a police state as claimed"

A total for the four terms combined (235 references) indicates that the forces opposed to the secession of Croatia and Slovenia were placed in a negative context 141 times (60% of the total number), in a neutral context 86 times (36.6%), and in a positive context eight times (3.4%).

From the outset *The Economist* labeled Milošević as "impulsive". Serbia was said to be pressing for a "centralized federation dominated by Serbia". Serbia was also "paying a high cost of occupying Kosovo". As a result, *The Economist* expected trouble in Kosovo as well as from Serbs in Bosnia and Croatia. On the other hand, Croat and Slovene leaders "restated willingness to sit down and talk" about making Yugoslavia into a body "not unlike the European Community". The Croatian/Slovene moves towards independence were "welcomed by a Macedonian party".

In its February 2 issue, *The Economist* wrote about the "Serb campaign to blacken Croatia with the charge of sedition" – referring to a video made by the federal army intelligence service using a secret camera and showing Croatian Minister of Defense Martin Špegelj in the process of planning arms smuggling operation on behalf of Croatia through the Hungarian border and plotting massacres against the Yugoslav army. Špegelj dismissed the video as a fabrication at the time, but years later he admitted it was real. Nevertheless, *The Economist* argued that the video "looks fake, but fact matters less in such quarrels than belief". It also reiterated the existence of the Slovene and Croat fear of "Serboslavia" – the name Slovenes and Croats used to describe a "Yugoslavia under Serbia's thumb". According to *The Economist*,

there were three reasons for this fear: Serbia's "taking of Kosovo in 1989", the "landslide of Milošević, a turbulent communist Serbia-firster", and "Serbia's communism" which had "nationalism as an ideology". On the other hand, *The Economist* labeled Croatian president Franjo Tuđman as an "anti-communist and Croat patriot", and channeled the Slovene/Croat argument that "we are westerners, they are easterners."

On March 3, *The Economist* asked "at what point should an independent Slovenia get official recognition" and "how much help should it be offered to make itself viable". For *The Economist*, federal Yugoslavia suited Serbs who wanted a "centralist state", "centralist economy", "large army", and "Serbia as a dominant republic". It also mentioned that the Macedonians and Bosnians were unhappy with the Serbs and that the Croats' confidence that they could work with Serbia was low. On a positive note for Yugoslavia, *The Economist* wrote that the "idea of Yugoslavia has merit".

Following a series of demonstrations in Serbia and a confrontation between riot police and demonstrators in Belgrade on March 9, on March 16 *The Economist* wrote that Milošević's first reaction to the protesters seemed to confirm the "worst fears of people in Croatia and Slovenia". Even Serbian democrats were "strongly tinged with nationalism", and the opposition leader, Vuk Drašković, was a "Serbia-firster."

In an editorial on May 15, *The Economist* suggested how the West should respond to the Yugoslav crisis and argued that "imposing unity on Yugoslavia is no lasting solution". With "some softening of the Serbian line, it may still be possible to negotiate a looser but still intact Yugoslavia; if so, fine, but if parts of the place conclude that they can preserve their newfound freedom and build a better future only by breaking away, then so be it". *The Economist* suggested that "the West should not oppose the secession of Slovenia and Croatia" the same way it did not oppose the independence of Lithuania and Estonia.

In the same May 15 issue, riots by Croats in Split, which had led to the death of a Yugoslav army conscript, were said to have been provoked by Serb attacks on Croats in eastern Croatia and the Serb siege of an isolated Croat village north of Split. The Serbs were a "minority" in Croatia, the federal army was a "communist institution", and Croatia had "a democratically-elected government".

On May 25, *The Economist* argued that "Serbia can be blamed for much of the recent trouble", that "Serb propaganda fuels fear and mad rumors" among Serbs in Croatia, and that "Serb behavior is turning them against their neighbors".

The Times

A total of 84 articles from *The Times* was analyzed.

The total number of features, analyses, and comments was around a quarter of the total number (23 out of 84). There was a wide range of texts. Most of the texts were focused on the situation in Croatia and Serbia, but many also concentrated on the talks, the federal army, and Slovenia.

Table 3. Number of references in "The Times"

	Negative	Neutral	Positive
Number of references to "Serb/Serbian"	161	89	20
Number of references to "Milošević"	108	22	0
Number of references to "Federal army"	98	40	1
Number of references to "Serbia"	104	100	4
TOTAL	**471 (63%)**	**251 (33.6%)**	**25 (3.4%)**

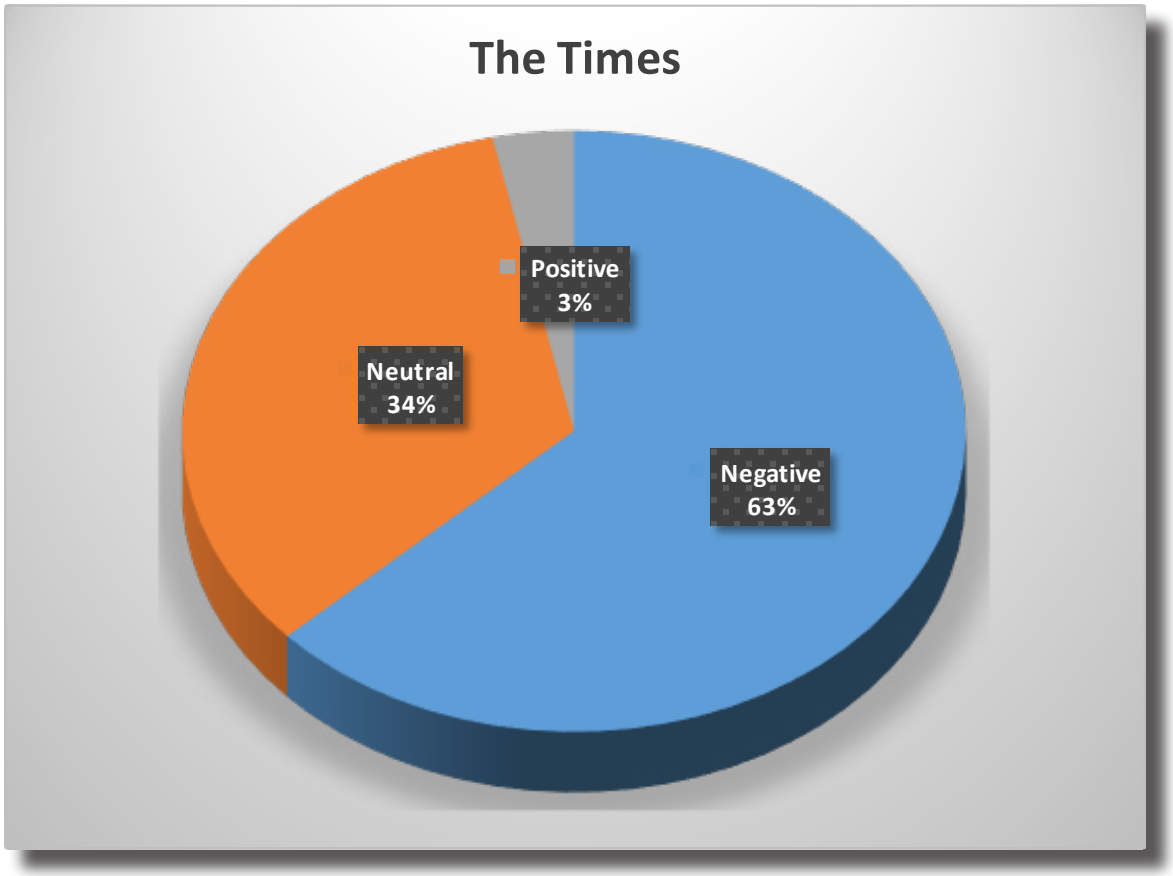


Figure 2. Number of references in "The Times"

Table 4. Examples of references in "The Times"

	Negative	Neutral	Positive
Examples of references to "Serb/Serbian"	"Serbian communist rule", "Serbs are putting more pressure on Albanians", "Serb terrorists"	"agreement between Serbs and Croats", "prevent fighting between Serbs and Croats"	"lost his job because he was Serbian", "two reporters of the Serbian newspaper *Večernje Novosti* beaten up"
Examples of references to "Milošević"	"virulent nationalist", "Milošević's oppressive form of communism cloaked in Serbian nationalism", "mad Bolshevism of Milošević"	"Serbian leader", "declared"	
Examples of references to "Federal army"	"led by communist generals who advocate strong central role", "waging a vicious campaign against the democratically-elected government of Croatia", "intervened in Pakrac having exaggerated the threat there"	"army withdrawal", "representatives met with the army"	"has acted within the constitution", "issued a statement calming fears of immediate intervention"
Examples of references to "Serbia"	"impose a Greater Serbia on Croatia", "accused of stirring political upheaval in Albania", "Serbia is increasingly being seen as the culprit"	"future relations with Serbia", "Serbia's border"	"smartly attired firebrands of Serbia"

A total for the four terms combined (747 references) indicates that the forces opposed to the secession of Croatia and Slovenia were placed in a negative context 471 times (63% of the total), in a neutral context 251 times (33.6%), and in a positive context 25 times (3.4%).

A closer look at *The Times* coverage complements the numbers. At the beginning of this period, *The Times* wrote that Croats and Slovenes had adopted Central European values, while the Serbs were "undeniably Balkan". The victory of "Serbia's communists" (referring to the Socialist Party of Serbia) in the Serbian elections was said to be leading to likely tensions with other republics. In January, Croatian president Franjo Tuđman warned that the "army could strike during the world's preoccupation with the Gulf War", following the previous week's "Soviet crackdown in the Baltics", in order to "restore communist order and centralist Yugoslavia" (January 18). On the other hand, Slovenia and Croatia "ousted the communists after a democratic election and have pursued independence ever since" (January 22). On January 23, *The Times* wrote that the "Croatian leadership appealed to calm and negotiated settlement" while "there are indications that the Serbian-dominated Yugoslav army, mimicking Soviet attempts to take action against the Baltic republics, is ready to move on the Croats and Slovenes". Croatia and Slovenia, "the two republics closest geographically,

economically and psychologically to the West want Yugoslavia based on the model of European Community", while Slobodan Milošević, "the virulently nationalist and still communist leader of Serbia sees the maintenance of the federal arrangement as the only way of keeping and expanding Serbian power". Milošević's wife was "a dogmatic communist whom critics compare to the late Elena Ceaușescu".

The "propaganda effect" of the Yugoslav army's video of Croat arms trafficking and plotting massacres of the army and Serb opponents was described "as total in Serbia," while General Špegelj said "the report was false" (January 28), "a total fabrication," and recalled "the use of faked evidence in the Stalinist era" (February 1). The army "commits to the defense of 'communism' and arrests the defense minister of the democratically-elected Croatian government" (February 1). On the other hand, Špegelj, a long-time general, who said "he has always been something of a liberal", warned that Yugoslav army general Blagoje Adžić was "an extremely dangerous and unscrupulous militarist", and that the Yugoslav army was "a cruel, KGB Stalinist organization" (February 4). Serbs, "who are viewed as 'Turkish', are seen with particular loathing (in Croatia)" (January 30), while "Slovenes and Croats discover their credentials as Central Europeans denied to them by four decades of communist propaganda linking them to Belgrade" (February 8). The Yugoslav president Borislav Jović was "the tool of those who wish to impose a Greater Serbia on Croatia" and "as a Serb, (he) is hostile to Croatians" (February 5).

Slovenes were seeking a "peaceful divorce" (February 6). Slovenia, "like Croatia, [is] a relatively prosperous, devout Catholic and Central European republic", while "Serbs throughout Croatia are being whipped up by propaganda from communist Serbia" (February 11). On March 4, in a report from Tirana, Serbia was "accused of stirring political upheaval in Albania". Following demonstrations in Serbia, *The Times* wrote in an editorial that "Milošević's oppressive form of communism cloaked in Serbian nationalism is reaching the end of the road" (March 12). "Communist demonstrators" who were in favor of Milošević "kicked opposition spies" and "manhandled a British TV crew and CNN" (March 12). Serbs in Knin "declared independence from Croatia and provided a *casus belli* for Milošević if it provokes the Croats" while Serbia was "putting pressure on Albanians", "spreading propaganda", and "beating up the opposition". Milošević "has decided to make the sickness of communism into the death of Yugoslavia" (March 18). Following the clashes between the local Serb police in the Krajina region and the Croatian police, "Croats have been fleeing the Serbian-dominated town of Knin, the center of Serbian unrest, after a series of bomb explosions damaged Croatian shops and property" (April 4).

On April 9, Croat protesters denounced the Yugoslav military authorities as "Serbian gypsies" and the "red gang", and as a response to the Serbian Orthodox Easter, they were throwing eggs at the military building, thus "sending the Serbs Easter eggs". Blagoje Adžić, a general who temporarily replaced the Yugoslav minister of Defense Veljko Kadijević, was "considered as a hardliner known for his hostility to the democratically-elected nationalist

government in Croatia" (April 23). On April 30, *The Times* argued that "conflict is seen as being provoked by the army to give it an excuse to demonstrate its strength". In the May 8 issue, Franjo Tuđman, during a visit to London, argued that the conflict in Yugoslavia was a "battle between communism attempting to make its last stand and Western civilization". In the same issue, a *Times* editorial argued that Tuđman had drawn an "over-simplified picture" but that "fear of Serbia has bred separatism" and that "the more Serbia insists on maintaining a tight federal structure which it intends to dominate, the fiercer become the Croat and Slovene pressures for independence". Also, "Western finance, indispensable to Yugoslavia's economic reform, has to be firmly conditioned on republican cooperation with Marković's reform" (May 8). In a column on May 9, Peter Millar quoted from an 1837 German travel guide to describe Belgrade as "Turkish" and ugly, while Ljubljana and Zagreb were noted for their opera houses, churches, and universities.

For Millar, "Yugoslavia was a bad idea," and for the Serbs "the Kingdom of the South Slavs was to be the Greater Serbia they had dreamed of since they attained autonomy from the Ottomans and saw the possibility of expansion at the expense of the crushing empires on either side". Millar argued that "we shall immediately be required to recognize the independence of Croatia and Slovenia and acknowledge a state of armed hostility, if not outright war with rump Yugoslavia, which may as well again be named Greater Serbia". On May 10, in an article on the arms trade to Yugoslavia, *The Times* portrayed a typical "member of the new Croat force: camouflage uniforms from Germany, reinforced plastic helmets from France, American or Russian automatic weapons and British boots". Two months earlier, *The Times* had dismissed the Yugoslav army video showing Croat arms smuggling.

On May 21, following the suspension of U.S. aid to Yugoslavia, Slovenian foreign minister Dimitrij Rupel said that he understood this "as a protest against the chauvinistic policies of the Serbs". *The Times* concluded that, to Slovenian and Croatian satisfaction, Serbia was increasingly being seen as a culprit in the failure to create a new form of Yugoslavia in the wake of a collapse of the old federation" (May 21).

Le Monde

A total of 79 articles from *Le Monde* were analyzed.

More than 25 percent of articles were analyses, comments, and features (21 out of 79). There was a wide range of articles: Serbia, Slovenia, Croatia, Federal Army, Kosovo, history, economics, EC policy.

Table 5. Number of references in "Le Monde"

	Negative	Neutral	Positive
Number of references to "Serb/Serbian"	154	126	18
Number of references to "Milošević"	77	38	2
Number of references to "Federal army"	115	93	4
Number of references to "Serbia"	108	73	6
TOTAL	**454 (55.8%)**	**330 (40.5%)**	**30 (3.7%)**

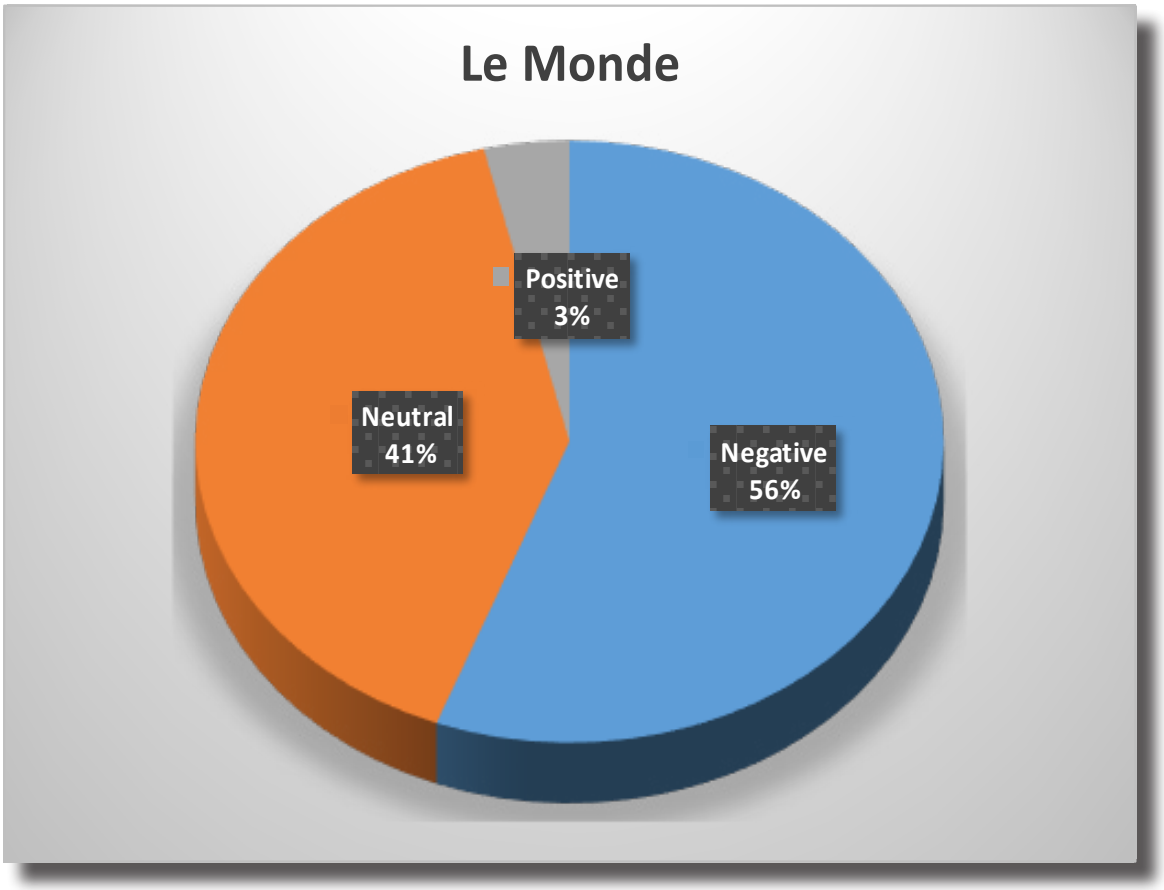


Figure 3. Number of references in "Le Monde"

Table 6. Examples of references in "Le Monde"

	Negative	Neutral	Positive
Examples of references to "Serb/Serbian"	"Great Serb chauvinism", "hegemonic totalitarianism of Serbian power", "Orthodox, oriental and autocratic"	"tensions between Serbs and Croats", "Serb enclave in Croatia"	"three Serbs killed", "history has given Serbs reason to be fearful"
Examples of references to "Milošević"	"neo-Marxist populist wanting personal power", "by provoking trouble wants to continue Serb hegemony in Yugoslavia", "wants to worsen tensions in other republics"	"president of Serbia", "will meet"	"declared he was ready to accept the platform"
Examples of references to "Federal army"	"dogmatic, communist hegemonic force," "the only authentic Bolshevik army," "preoccupied with the defense of socialism"	"army units sent", "studied measures"	"contributed to calm"
Examples of references to "Serbia"	"last bastion of populist, demagogic and centralized neo-communism", "terrorists imported from Serbia", "repression by Serbia against the Albanian minority in Kosovo"	"part of Serbia", "representatives of Serbia"	"Serbia does not want Bolshevism or perestroika but Europe"

A total for the four terms combined indicates that forces opposed to the secessions of Croatia and Slovenia were placed in a negative context 454 times (55.8% of the total amount of times the terms were mentioned), in a neutral context 330 times (40.5%), and in a positive context 30 times (3.7%).

On December 25, 1991, *Le Monde* wrote that "communists will keep power in Serbia". In January, the authenticity of the army's documentary was questioned (January 28). *Le Monde* wrote that the Croat authorities believed the film would serve "as an instrument of army repression because Croatia (non-communist) wants independence from Belgrade" (February 1). In February, the new Serbian government was elected but its policies "are immediately qualified as incoherent and conservative" (February 13), and on February 22,

Le Monde reported that the Serbian authorities were being accused by an international human rights organization of "practicing an act of forced integration of the Kosovo economy". On March 6, *Le Monde* reported on points made by the Croat authorities that "the psychosis among Serbs in Croatia has been imported by provocations from Serbia". A March 11 article about Kosovo reported on "Serb repression in Kosovo", and quoted Albanian leader Adem Demaçi, "the Nelson Mandela of Kosovo", as saying that "Kosovo is the biggest prison of humanity".

In several articles, *Le Monde* reported about the March demonstrations in Belgrade. Milošević was "blamed for the violence" (March 13), but *Le Monde* concluded that the opposition leader Vuk Drašković "incarnates in Serbia a democratic nationalism which opposes the neo-communist nationalism of Slobodan Milošević – because, in fact, on the national question there is no difference" (March 15). A March 19 editorial argued that events in Serbia, "the last bastion of populist, demagogic, centralist neo-communism", have destabilized the country. Milošević "provokes the revolt of Albanians" and "wants to worsen tensions in other republics" (March 19). In a historical background to the Yugoslav crisis, *Le Monde* wrote that World War II Croatian Ustashi (Croatian Nazis) had attempted to take revenge for inter-war "Serb chauvinism" by killing "dozens of thousands of Serbs who would refuse their option" (March 20). *Le Monde* reported on March 20 that "according to a majority of observers, the Serbian president firmly decided to oppose a democratic resolution of the Yugoslav crisis". In fact, Milošević "does not see another solution for maintaining the unity of the federation but to submit it to under a hegemony – Serb and communist at the same time" (March 22). After a period of calm and talks at the end of March, *Le Monde* wrote that in Zagreb "it is said that the idea that Serbs had renounced their project of Greater Serbia which would make a Serboslavia out of the country should not be trusted" (March 30).

An article on clashes between Serbs and Croats in Plitvice national park reported about the fears of Serbs in Croatia but quoted a Croatian official as saying that "Serbs had always profited from communism," and that Milošević and his "typically oriental despotism" should be blamed for destabilization (April 3). On April 11, an opinion piece by a Paris professor of Croat origin was a direct reply to the March 15 interview with Vuk Drašković in which the author criticized the leader of the Serbian opposition for "joining the propaganda of Milošević's communist government" by discussing the fears of Serbs in Croatia. Following the clashes in BorovoSelo in early May, *Le Monde* quoted Tuđman as saying that the killing of members of the Croat police "is the work of a bunch of extremists in the service of Belgrade's power" (May 8) and quoted Tuđman's counselor Darko Bekić as arguing that Serbs had engaged members of the former Romanian Securitate (Nicolae Ceaușescu's secret police) to fight on their side (May 9). The same day, a *Le Monde* editorial argued that "it is practically clear that the murder of 12 Croatian policemen has been an operation carefully planned by Serb nationalist chetniks coming from Belgrade, armed with modern guns and maybe even helped by mercenaries from the former Securitate".

The editorial also argued that Milošević defended a thesis of a "strong, centralized federation under Serb domination". A May 10 article quoted a Croatian MP as saying that the conflict between Serbs and Croats was "a conflict between civilizations" – "a Catholic, Western and democratic world – that of Slovenia and Croatia – and an Orthodox, oriental and autocratic world – that of the Serbs". On May 11, *Le Monde* published an interview with Croatian president Tuđman who argued that "the action of Great Serb elements and chetnik terrorists in Croatia has the only objective of aggravating the situation". A May 15 interview with the Croatian representative in the federal presidency, Stipe Mesić, described him as "optimistic", "humorous", and wanting "dialogue" and "negotiations". On May 28, an opinion piece by a Serb journalist argued that in order to ease the tensions between Serbs and Croats in Croatia, there was a need for the Croat regime to apologize to the Serbs for the World War II massacres committed against them by the Croatian Ustashi, the same way Helmut Kohl apologized to the Jews.

In the reply to this piece, which was a letter written by a couple of Croat Catholic priests, it was argued that the Croats would not do so until the Serbs apologized for their "genocides" against Croats, Muslims, Macedonians, Montenegrins, Albanians, Germans and Hungarians (June 18). On June 21, *Le Monde* published polls revealing that 50 percent of Croats supported the secession (and not 94 percent as argued by the Croatian government) and that 44 percent of Slovenes supported the secession (and not 88 percent as argued by the Slovenian government). After that, opposition of the EC and the U.S. to the secessions was reported (June 24), but on June 25, Croatia and Slovenia proclaimed their independence.

Conclusion

The numbers revealed by the content analysis are relatively constant: the pro-Yugoslav forces have been placed predominantly in a negative context (60%, 63%, 55.8%). They have been placed in a positive context very rarely (3.4%, 3.4%, 3.7%). Thus, the coverage of *The Economist*, *The Times*, and *Le Monde* can be said to have been biased against Serbs and a federal Yugoslavia. While not every term placed in a negative context indicates bias (a killing is a killing), when observed as combined, the coverage indicates anti-Serb and anti-Yugoslav bias. This applies to all terms.

While the bias has been constant throughout the period, the bias against each particular term reached a peak at a different time. For the "army," it was in January/February when the Croats and Slovenes warned against "army intervention". For "Milošević," it was in March, following the demonstrations in Belgrade. For "Serb" and "Serbia", it was in April, following the clashes between Serbs and Croats in Krajina. The culmination was in May and June, dominated by bias against all of the supporters of federal Yugoslavia. It is interesting to note that even those who had received positive coverage at the time (such as the Serb opposition) received it at the expense of another pro-Yugoslav term (when it opposed the

Serbian government) and, soon after, they lost it as well (when it expressed its own opinions on the Yugoslav crisis).

Recognized sources have been, to a large extent, Croat or Slovene politicians and officials (Tuđman, Mesić, Kučan). Very often their comments were taken for granted and a few days after they would be repeated as *facts* in the nut paragraphs (background paragraphs). Comments from Serbian or army officials were used when they were "warning" someone or of something – such as comments from Serbs in Croatia when they were using a militaristic tone, and from the Serbian opposition when it was attacking Milošević. The causes of the Yugoslav crisis, according to the coverage of the press, could be summarized as the difference between Serbs as supporters of a federal Yugoslavia and Croats/Slovenes as supporters of confederation or secession.

Table 7. Serbs and Croats/Slovenes, according to the press

	Serbs	**Croats / Slovenes**
Political differences	Hegemonic / centralist / irredentist	Want independence and freedom from the hegemony
Economic differences	Want centrally-planned economy	Want a market economy
Ideological differences	Communist	Anti-communist
Cultural differences	Militarist / uncooperative / hardline / oriental / backward	Open to negotiation / Western / democratic / developed
Historical reasons	Serb hegemony during the inter-war and the communist era	Victims of Serb hegemony during the inter-war and communist-era / crimes committed seen as the result of revenge for Serb hegemony

The main problem of the Yugoslav crisis in 1991 was the question of the opposition of Serbs to living in an independent Croatia. According to the analysis, the press reported that Serbs in Croatia did not have anything to fear, that their fear was a result of propaganda coming from Belgrade, and that Serbs wanted to create a Greater Serbia at the expense of Croats.

Very little or nothing was mentioned of the new Croatian constitution transforming Croatia from a state of all citizens living in Croatia to a state of the Croat people, thus transforming the Serbs from a constituent nation to a minority. The Croat use of the same national anthem and currency that they had used during the Nazi Ustashi regime, the use of a very similar flag to that of the World War II Croatia, and of the rhetoric that was constantly using the term "independent Croatia" (reminiscent of the Nazi-led Independent State of Croatia)

was never mentioned. The Croat rhetoric aimed at internal consumption (much more hard-line and threatening) was forgotten. Very little was said about the historical reasons for Serb fears (the Ustashi massacres, when mentioned, were either downplayed or refuted). Nothing was said of Tuđman's anti-Semitism and anti-Serb writings, of the rehabilitation of Nazi Croat criminals, of the Serbs who were being harassed, losing their jobs and homes, and of the thousands of Serb refugees fleeing Croatia in 1990/1991.

Thus, to a policymaker reading the EC press, the demands of the Serbs were unjustified and were a result of expansionistic objectives, rather than of fears. The Croat/Slovene demand for a "confederation or secession" was accepted as a done deal – it was never questioned. Although through their demands, Slovenia and Croatia presented Serbia and the rest of Yugoslavia with an ultimatum, the EC press argued that it was up to the Serbs to make concessions or face the consequences. The "federal" option was buried from the beginning. The survival of a federation would mean a victory for the "communist", "totalitarian", "hegemonic" Serbia, "extremist" Serbs, "Bolshevik" federal army, and "neo-communist populist" Milošević, at the expense of the "Western" "democratic" Slovenia and Croatia.

Yet, it is that "federation" that the EC had firmly supported up until the beginning of the preventive diplomacy effort. While the USSR and the U.S. continued to support the federation throughout the period, the EC gradually weakened its support. Thus, the EC was indecisive in supporting the economic reforms in Yugoslavia – aid was conditional, the federal army and Serbia criticized, while Croat and Slovene demands started to be acknowledged and even split the EC on the issue (covert support of Germany, Denmark, and Italy). The EC policy showed indecisiveness and incoherence as a result – the EC itself was not sure what kind of an option it was supporting. It did not pressure Slovenia and Croatia into more flexibility about a confederal option, nor did it address the question of possible confidence-building measures for the Serb population in Croatia.

Thus, the press could have exercised an influence on the EC policy. In fact, the policy was neither firm nor clearly defined: the EC was sending ambiguous, mixed messages to disputants, which strengthened their intransigence – the preventive diplomacy actors were not coherent, there was inadequate and untimely use of the EC economic incentives, and there was very little pressure to instil confidence-building measures. The EC effort was also aimed at preventing a conflict which was at the periphery of its geostrategic interest at the time. In 1991, the EC was preoccupied with the Gulf War, German reunification, the process of the dissolution of the Soviet Union, the Maastricht negotiations, and the transition in Eastern Europe. Thus, the media could have had an impact on the EC preventive diplomacy effort.

Given that the EC lacked adequate intelligence data at the time, it can be said that the media were an important source of information for EC policymakers.[225] But the coverage of three very influential print outlets (originating in countries which traditionally have been supportive to federal Yugoslavia and Serbia) indicates an anti-Serb and anti-Yugoslav bias. The negative coverage could have contributed to the gradual change (weakening) in the EC

225 Wolfgang Pohrt, "Decision on the Fate of Yugoslavia," *Konkret*, September 9, 1991.

support for federal Yugoslavia, to the incoherence of the EC preventive diplomacy, and to the EC indecision on how to formulate an adequate strategy – thus leading to the failure of the EC to prevent the violent resolution of the Yugoslav crisis.

In an interview with the author, the German ambassador to the EU Dietrich von Kyaw confirmed that the impact of the media on EC policy towards Yugoslavia in 1991 was "extremely big" and that "a lot of decisions at the beginning of the Yugoslav crisis had been made under media pressure." Von Kyaw said that he was personally opposed to the breakup of Yugoslavia, and that "(German Foreign Minister Hans-Dietrich) Genscher agreed with me, and then had to do the opposite under heavy media pressure".

3.1.2. Bosnia and Herzegovina (1992): Reporting of U.S. media during the preventive diplomacy effort U.S. media

The media in the United States are considered to be among the freest and most developed in the world, with guarantees by the First Amendment. Thus, the power of the media in the U.S. is very strong. In the period which we analyzed, among the most powerful print media were the dailies *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *The Los Angeles Times*, as well as weeklies such as *Time*, *Newsweek*, and *New Republic*. The editorial policies of these papers had the capacity to influence decision-makers in Washington, D.C.

3.1.2.1. Content analysis

Content analysis was performed on *The New York Times* and a combination of several newsweeklies and magazines (*Time*, *Newsweek*, *New Republic*, *National Review*). All articles in these media outlets related to the crisis in Yugoslavia in the period January 15, 1992 (EC recognition of Slovenia and Croatia) – April 6, 1992 (EC/U.S. recognition of Bosnia and the beginning of the war) will be analyzed. This period is analyzed because the U.S. policy was playing a minor role in the crisis prior to its involvement in the Bosnian case and because the Bosnian problem received little coverage until after the recognition of Croatia and Slovenia.

The analysis will focus on four terms: "Serb/Serbian", "Serbia", "Milošević", and "Federal army". The term "Serb/Serbian" is applied to both Serbs in Serbia and Croatia/Bosnia. "Serbia" represents the Republic of Serbia. "Milošević" applies to Serbian president Slobodan Milošević. "Federal army" applies to the Yugoslav People's Army. The terms could indicate the slant of the coverage regarding both the supporters of the Yugoslav option and the Serbs.

All terms will be divided into three categories, based on the concept of *affect*: *negative* affect indicates that the term was used in a negative connotation in the context of the time (1992) and the readership (policy-makers); for example, the actor represented by the term was uncooperative, threatening, manipulating, and so forth. *Neutral* affect indicates that

the term was used in a neutral connotation, for example, "said", "live", "leader of", and so forth. *Positive* affect means that the term was used in a positive connotation; for example, explanation of reasons behind action of the actor represented by the term, depiction of the actor's fears, suffering, cooperation. The content analysis will focus on the connotation in which each of the four terms were used in all of the articles published by the media outlet in the period between January 15, 1992, and April 6, 1992. Each time one of the four terms appears in an article, it will be attached a value of *positive*, *negative*, or *neutral* – depending on the term's connotation. The total number of times each of the four terms is used in each of the three connotations will be calculated. This total will allow for an assessment of the kind of slant the analyzed terms were given in the media outlet's coverage.

New York Times

The New York Times published 64 articles on the Yugoslav crisis in the period January 15, 1992 –April 6, 1992.

Table 8. Number of references in "The New York Times"

	Negative	**Neutral**	**Positive**
Number of references to "Serb/Serbian"	169	125	17
Number of references to "Milošević"	29	6	1
Number of references to "Federal army"	37	28	4
Number of references to "Serbia"	29	29	1
TOTAL	**264 (55.6%)**	**188 (39.6%)**	**23 (4.8%)**

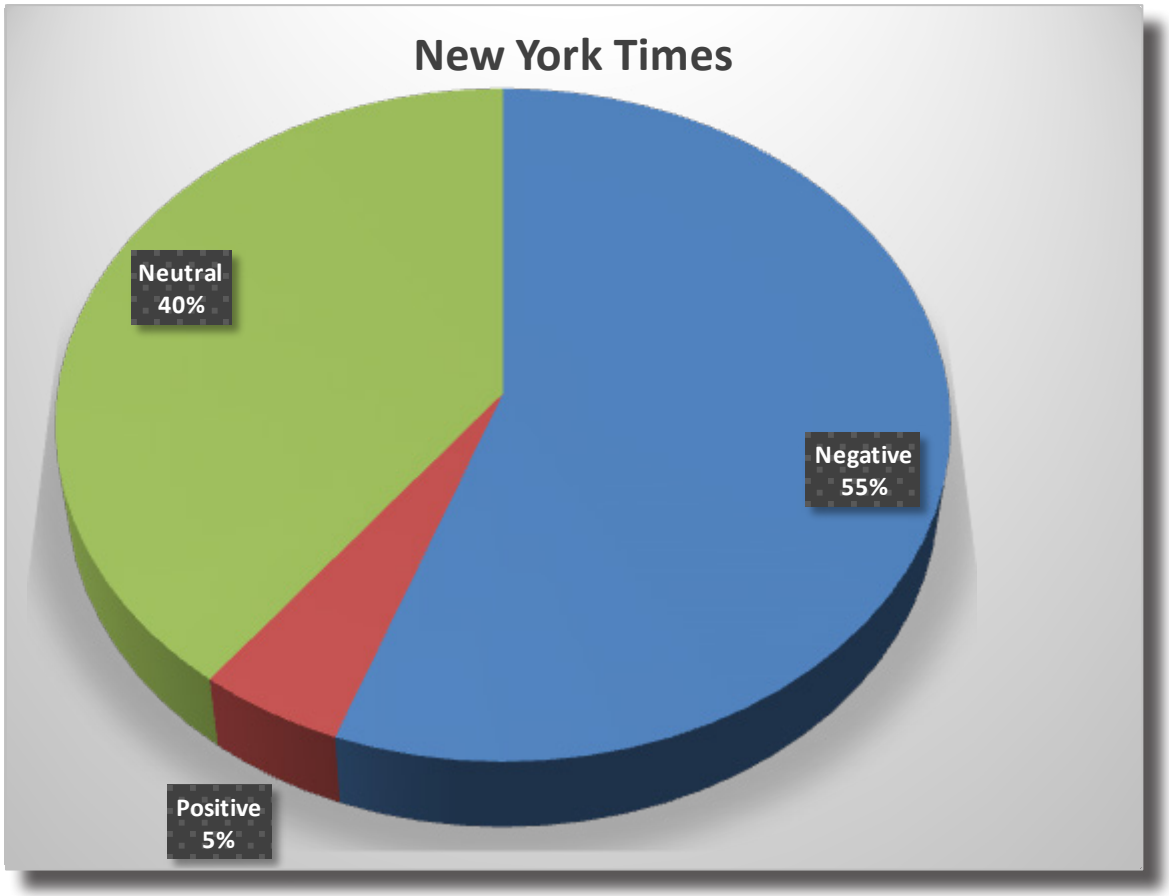


Figure 4. Number of references in "The New York Times"

Table 9. Examples of references in "The New York Times"

	Negative	Neutral	Positive
Examples of references to "Serb/Serbian"	"Serb-occupied territory", "Serbian irregular forces killed", "targets of Serbian nationalism"	"live in Croatia", "largest Serbian area", "talks with Serbian leaders"	"said they feared they would be victims again"
Examples of references to "Milošević"	"hardline communist", "fascist killer", "tempted to seek renewed popular support by war"	"decided not to back", "insisted that"	"supports UN troops"
Examples of references to "Federal army"	"takeover by Serb-led troops", "accused of shelling Osijek", "backed Serbian irregulars", "ousted non-Serb generals"	"signed by the federal army", "said", "to withdraw", "army's firepower"	"agreed", "full cooperation"
Examples of references to "Serbia"	"resorted to force to resolve an ethnic and political conflict", "forcefully ended Kosovo's autonomy in 1989"	"plan signed by Serbia", "Serbian president", "says", "leaving only Serbia and Montenegro", "into Serbia"	"Serbia's bête noire is Croatian fascism"

A total for the four terms combined (475 references) indicates that forces opposed to the secession of Bosnia and Herzegovina have been placed in a negative context 264 times (55.6% of the total number), in a neutral context 188 times (39.5%) and in a positive context 23 times (4.8%).

A closer look at *The New York Times* complements these numbers. On January 16, the day following recognition of Slovenia and Croatia by the European Community, *The New York Times* published a commentary by Hungarian Foreign Minister Géza Jeszenszky, who argued that recognition should have occurred even earlier, and that recognition of all the secessionist republics (by the EC but also the U.S.) should proceed without delay because recognition would lead to stability in the region.

The editorial comment of *The New York Times* on February 16 argued that isolation of Serbia and recognition of Croatia would "encourage peace". The paper intensified its coverage of the Bosnian crisis on the day of the referendum, on March 1. An explanation of the Bosnian situation outlined that Muslims and Croats feared a Serb-dominated Yugoslavia, while Serbs wanted to remain in the same state as Serbia. Izetbegović was portrayed as the only Yugoslav leader never to be a communist. In the March 3 article, Serbs were putting up barricades throughout Sarajevo because of the result of the Bosnian referendum on independence, which they boycotted. On March 4, *The New York Times* published an article "February 27", depicting the ruins of Vukovar in Croatia, where a fierce battle had taken place five months earlier.

The article suggested that most of the destruction had been done by the "Serb-led Yugoslav army". On March 7, Serbs in Bosnia became a "minority" and were said to "threaten civil war". On March 8, an analysis of the Yugoslav crisis repeated the claim that the Serb "minority" threatened war, but also stated that Serbia itself threatened Macedonia (another state not recognized by the U.S.) and that the Serb government ruined its country in order to support the war effort. The same article was accompanied by two photos. One of them showed three armed men whom the paper's cutline described as "armed Serbs control[ing] a road near Sarajevo" without identifying the mourners. But the cross in the photo clearly shows the Cyrillic inscription on it – it was the funeral of Nikola Gardović, a Serb whose killing in Sarajevo had caused an uproar among Serbs. In the March 9 issue, the author wrote that Serbia was threatening to intervene in Bosnia and Macedonia, that Serbian President Milošević was a communist who became the major proponent of fighting Croatian independence, and that he was tempted to renew the war against Croatia.

Following this intense *New York Times* coverage in the first ten days of March, on March 10, U.S. Secretary of State James Baker hinted for the first time that the U.S. might recognize the secessionist republics, Bosnia included. That same day, a report from Belgrade depicted Milošević as a communist and the Serbian opposition as nationalist. For his part, Baker, on March 11, acknowledged he would work towards the recognition of secessionist republics with the EC.

A few days later, there was a breakthrough in negotiations among the three Bosnian ethnic groups. All three leaders signed the so-called Cutileiro plan, which was aimed at preserving Bosnia as a whole while dividing the country into ethnic cantons. For *The New York Times*, that was the first and last time the Cutileiro plan was mentioned. Its fate, including the U.S. influence on Izetbegović's decision to revoke his signature subsequently and kill the plan, never became known to readers of *The New York Times*. However, on March 27, the paper published another article in which the Serb government was criticized. A long-time communist dissident, Milovan Đilas, criticized the Serb leadership. Thus, the stage was set: according to the *New York Times* coverage, Milošević was a communist, a nationalist, and a fascist who attacked Croatia, armed the Serbs on the territory of Bosnia and Herzegovina, threatened Bosnia and Macedonia, collapsed the Serbian economy, stole from federal reserves, and was criticized at home by communists, nationalists, and liberals alike. In any case, on March 28, the U.S. administration announced it was planning to recognize the secessionist republics as soon as the EC did.

Starting in early April, Serb "militia" and "gang" attacks filled *The New York Times* articles. They were launched in order to prevent the recognition, the paper said. But they were in vain since on April 6, the EC recognized Bosnia as an independent state, as did the U.S. the very next day.

Time, *Newsweek*, *New Republic*, *National Review*

The four magazines published a total of 11 articles on the Yugoslav crisis in the period between January 15, 1992 and April 6, 1992.

Table 10. Number of references in "Time," "Newsweek," "New Republic," and "National Review"

	Negative	**Neutral**	**Positive**
Number of references to "Serb/Serbian"	28	13	2
Number of references to "Milošević"	10	4	0
Number of references to "Federal army"	11	2	0
Number of references to "Serbia"	13	2	0
TOTAL	62 (72.9%)	21 (24.7%)	2 (2.4%)

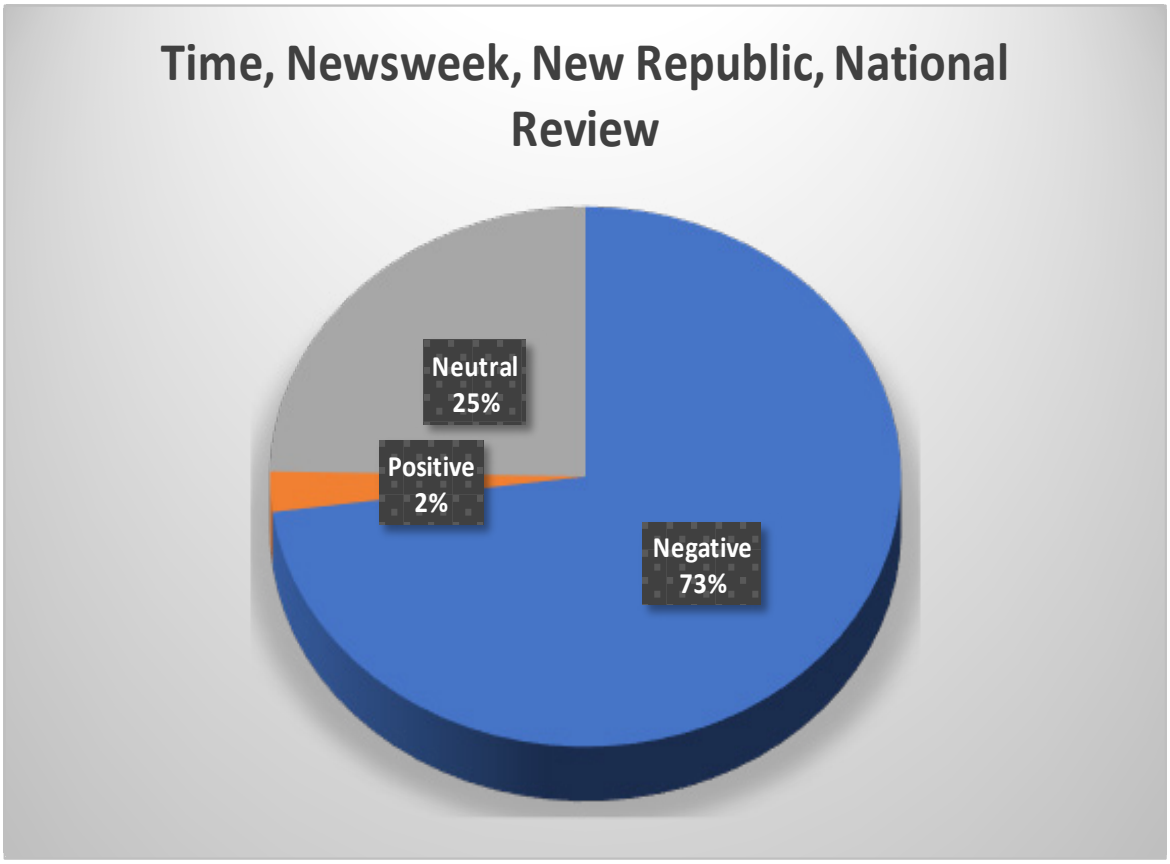


Figure 5. Number of references in "Time", 'Newsweek", "New Republic" and "National Review"

Table 11. Examples of references in "Time", 'Newsweek", "New Republic" and "National Review"

	Negative	Neutral	Positive
Examples of references to "Serb/Serbian"	"fascist Serbian demagogue", "Serbian soldiers cheered as their shells slammed into the roofs of Dubrovnik", "end to Serbian aggression against Croatia"	"Serbian organizations called" "differences between Serbs and Croats"	"fear among the Serbs"
Examples of references to "Milosevic"	"deliberately stirred and manipulated fears", "hard-line communist", "Milosevic and his neo-communists"	"said", "thrown political support behind"	

Examples of references to “Federal army’	“few believed in the army version”, “war the Yugoslav army was about to start”	“called”, “withdrawal of army units”	
Examples of references to “Serbia”	“in Serbia, (nationalism) has remained married to hard-line Leninism”, “perpetrated extreme abuses in the dominantly Albanian province of Kosovo”	“between Serbia and Croatia”, “colleagues from Serbia”	

The total for the four terms combined (85 references) indicates that the forces opposing the secession of Bosnia-Herzegovina were placed in a negative context 62 times (72.9% of the total number), in a neutral context 21 times (24.7%), and in a positive context two times (2.4%).

While most analyzed articles to a large extent reflect the coverage of *The New York Times* (in terms of topic and presentation), two articles stand out. On February 24, the *New Republic* published an analysis of the U.S. policy regarding the Yugoslav crisis. In the article, author Patrick Glynn argued that the U.S. policy was flawed from the start and that it continued to be so because the U.S. was refusing to recognize the secessionist republics. His argument was that Serbia was undemocratic, communist, nationalist, and abusive of Albanians in Kosovo and other nations elsewhere in former Yugoslavia. On the other hand, Croatia was democratic and open to compromise and negotiations.

Glynn dismissed some of the U.S. fears about a possible expansion of the war into Bosnia after recognition and argued that Germany’s push for the recognition of Croatia and Slovenia brought stability to the region. He argued that the policy brought “an absolute loss of international power for the United States” and suggested that such a policy might be due to personal financial interests of some American policymakers, such as Deputy Secretary of State Lawrence Eagleburger, who according to Glynn’s expose – had stakes in two large Yugoslav firms and was thus perhaps “more inclined to give a more sympathetic hearing to Serbs.”

Yet another article criticizing the U.S. policy on Yugoslavia appeared a week later, on March 2, in the *National Review*. An article by former U.S. President Richard Nixon criticized the U.S. for supporting the central “communist” government and argued that support should be given to the “democratic” independent republics.

Conclusion

The numbers stemming from the content analysis show that the terms referring to actors opposed to the secession of Bosnia-Herzegovina were placed in a predominantly negative context (55.5 percent, 72.9 percent), and were placed in a positive context very rarely (4.8

percent and 2.4 percent). It can be said that the coverage by the analyzed media was anti-Serb and anti-Yugoslav. Again, the negative connotations went beyond objective *negative* actions (such as killings) and, to a large extent, dealt with subjective interpretations. After all, despite the sporadic violence, the period analyzed was marked by an absence of open warfare (it occurred during the ceasefire in Croatia and before mass violence erupted in Bosnia).

The coverage followed a pattern that occurred the previous year during the EC preventive effort. Again, each pro-Yugoslav and pro-Serbian actor was dismissed one after the other. For example, the Krajina Serbs were criticized in January and February, while the Serbs, Milošević, and the army were criticized in March and April. Milošević and the Serbian government were given a voice only when they criticized the Krajina Serb leadership, while the Serbian opposition was only given a voice when it criticized Milošević.

Similarly to the case in Croatia, the solution to avoiding the war in Bosnia was finding a way to satisfy the demands of the Serbs, which was opposed to living in an independent Bosnia. Yet, the demands of the Serbs were never explained. A State Department policy-maker reading the analyzed media outlets during the U.S. preventive diplomacy effort was informed that Serbs were "irregulars", "rebels", "militias", "gangs", "guerrillas", and thus not "troops" or "soldiers", which were the terms reserved for the Muslims and the Croats. Serbs were considered a "minority" both in Croatia and Bosnia, which – the Serbs argued – was not true since they were a "constituent nation" in these republics, and were, in fact, fighting against being treated and defined as "minorities." Serbia itself was "an aggressor", "threatening Bosnia", "threatening Macedonia", "resorting to violence in Kosovo", "stealing federal reserves", and thus, it was "good to isolate it". Serbian President Slobodan Milošević was a "communist", but also a "nationalist" and a "fascist".

On the other hand, Serbs were mentioned as victims very rarely. Chairman of Bosnia's Presidency Alija Izetbegović was introduced to the public as the only leader in the former Yugoslavia "never to be a communist". Muslims and Croats "fear to stay in a Serb-led Yugoslavia", while nothing was mentioned of the Serb fear of living in a Muslim-Croat-led Bosnia – Serbs do not fear, they only want to live in the "same state as Serbs". There was no discussion on the viewpoint of the Serbs living on the territory of Bosnia and Herzegovina, which presented the following dilemma: "If Muslims and Croats would not live with the Serbs in a multi-ethnic Yugoslavia, why would the Serbs live with Muslims and Croats in a multi-ethnic Bosnia?" Thus, there was very little mention of the rationale for the Serb opposition to life in an independent Bosnia. Emphasis was placed on disregarding Serb claims as illegitimate and considering Serb leaders aggressive and threatening to the entire region.

An interesting period in the media coverage was the period immediately preceding the shift in the U.S. position on recognition of the secessionist republics (end of February-early March). This period started with harsh criticism of the U.S. policy on Yugoslavia in the *New Republic*, in which a shift of the stance on recognition was urged. It was followed by a period of intensive anti-Serb coverage in *The New York Times*, starting with the referendum

in Bosnia and ending with the announcement of the shift in the U.S. policy. From the main opponent of recognition, the U.S. suddenly became its main proponent.

The evidence does not intend to prove that the U.S. policy changed as a result of the media coverage. Yet, the impact of the press on the U.S. policy could have been exercised. In fact, the U.S. preventive diplomacy was incoherent and not clearly defined: its policy on recognition changed and suddenly shifted, its position towards the Serbs from Bosnia and Herzegovina became confrontational, it had a role to play in the "killing" of Cutileiro's compromise plan. The U.S. effort was also aimed at preventing a conflict which was at the periphery of its interest at the time. In fact, Yugoslavia had lost its geostrategic interest for the United States at the end of the Gulf War. Thus, instability in Yugoslavia did not directly threaten the interests of the U.S.

Given that the U.S. policy changed and harmonized with the media perception of the crisis, it is possible that the media reporting had a certain influence on the overall U.S. strategy – including the weakening of opposition to recognition of secessionist states, the dismissal of the importance and legitimacy of Serb claims, and the overall confusion surrounding the policy. Thus, the media could have contributed to the U.S. failure to prevent the violent solution to the Bosnian problem.[226]

3.2. Part II: Media content analysis: The events that led to the war and the war itself in Srebrenica (1992-1995)

Belgrade-based independent Institute for Political studies[227] performed the novel media content analysis of the events that led to the war and the war itself in Bosnia and Herzegovina (1991-1995). The exclusivity of this study lies in the fact that 10,000 pages of the primary sources were analyzed during the entire period preceding the beginning of the war and the war itself in BiH. To our knowledge, so far, there is no relevant analysis that studied the entire time frame that includes the period before the beginning of the war and the war in Srebrenica.

The following research is an integral part of a study.

3.2.1. Methodology of research

Our research aims to provide an understanding of the image of the Serbs in the BiH war formed by two Western media: *The New York Times* and *The Guardian*. At the same time, we will analyze the image of other nations in BiH as well. This choice was made for several reasons.

226 Mitić, "Manufacturing of the 'Good and Evil' Archetype."

227 The Institute for Political Studies is a scientific research institution based in Belgrade that has been active in the field of social sciences for 50 years now. Over the course of half a century of its activity, the Institute has developed into a modern and independent scientific institution, specializing in complex social research. For more details, visit: http://www.ips.ac.rs/en/

- First, these dailies are part of the most influential Western media.
- The second reason is the leading position that these newspapers have in terms of circulation and readership in their countries (*The New York Times* in the U.S. and *The Guardian* in the UK).
- Third, the selection of these media covered the Anglo-Saxon speaking area of countries that (in)directly participated in the war in BiH.
- Fourth, these daily newspapers were also suitable for research because they allowed us to access the electronic archive for the entire time-frame relevant to this research, which was not the case with some other media that we tried to use in the analysis (e.g., *The Washington Post*).
- Finally, dailies have a relatively easy-to-process content – they consist of written text from where researchers can gather material and analyze it without large human, material, or time resources (unlike video media like *CNN* or the *BBC*).

It should be emphasized that this research did not cover the media reports from some other countries, the results of which would mean a great deal for our deeper understanding of how media reported on Serbs and the events that led to the war and the war itself in BiH internationally, meaning in countries such as, for example, Germany, France, Russia, and so forth. The main reason for this is the lack of funding that could provide for setting up a network of researchers to cover other language areas and the time constraints of the project. It should also be noted that information on how local and regional media covered the war was missing for the same reasons. However, it remains a recommendation to conduct this type of research in the future as a supplement to this study.

To obtain more accurate results on what was the image of the Serbs prior to and during the war in BiH painted by *The New York Times* and *The Guardian*, a specific database that imported the entire volume of articles covering the defined theme was a basic requirement. The time frame of the study covers the pre-war period and the period until the end of the conflict. Thus, the main database includes articles published from January 1, 1991, to December 31, 1995. The authors of this research have no previous knowledge that a study of the same volume was conducted any time before. This fact alone contributes to the exclusivity and importance of the research carried out, but at the same time, the researchers faced certain challenges that needed to be overcome. Specifically, two databases were formed (one for each daily newspaper individually), making a total of nearly 10,000 pages that were analyzed. Researchers estimate that over 95% of articles that covered the period before and during the war in the BiH published in these dailies were analyzed.

After the database was created, the researchers applied the methods of content analysis to analyze imported articles. Having in mind the volume of the study sample, the computerized quantitative content analysis was applied. Currently, the most applied software for automatic text analysis based on analysis of certain words is LIWC (Linguistic Inquiry and Word Count), which has been used as a tool in this analysis as well. Like other computer

programs, LIWC has software that processes text, comparing it with the dictionary that had been previously defined. The program does regular text analysis, using a single word as a unit of analysis. It is designed in a way to compare morpheme composition of every single unit of analysis in imported text with a dictionary grapheme composition already incorporated into the database. The dictionary is composed of grapheme compositions, classified within categories in a way that one composition can correlate to one or more categories. When the program finds a grapheme in the dictionary that correlates to the grapheme composition of imported text, it registers categories and the grapheme that belongs to it.

Finally, after processing the entire text in this manner, the program calculates the percentage of how often each of the predefined text categories is represented. In other words, the outcome of the analysis is a result of quantitatively measuring how often each of the categories was represented within a defined text sample. Without going further into the method of category extraction, it is necessary to note that LIWC validity, as a text analysis instrument, has been proven more than once so far. This program has shown its usefulness in linguistic production analysis in psychological researches, ranging from clinical to social psychology. In fact, based on general text descriptors and linguistic categories, the total number of words in the whole text, average number of words in a sentence, frequency of different words usage, and so forth, we collect information about how persons communicate by speech or text, or, in other words, about aspects that are not correlated with the content of the text itself. On the other hand, based on categories such as negative and positive emotions (fear, grief, fury), we collect information about the emotional tone. Also, based on categories that reflect cognitive mechanisms (insights, causation, discrepancy, rethinking), we gain insight into the representation of different thought processes that are reflected in the language used.

LIWC also contains categories that reflect other psychologically important processes such as social, perceptive, biological, and correlative processes. Finally, through application of this program, it is possible to gain insight into themes that are most represented in the linguistic production of a person, that is, job, pastime, house, money, religion, and so forth. In that sense, LIWC is a program that produces a wide spectrum of verbal production characteristics. The first step in the quantitative analysis was defining the dictionary/keywords of interest (it is a basic step of ongoing computerized content analysis). The process of keyword selection will be further explained in detail within the subchapter that deals with the research results. Qualitative content analysis was used only as a complementary method where possible, as an addition to the results of the quantitative analysis.

The division of databases for each of the dailies individually allowed us to analyze the "general image" of the Serbs and other nations prior to and during the war in BiH (for each paper, keywords were searched throughout the database, i.e., for the period between January 1, 1991, and December 31, 1995). It is important to note that this provided us with robust results when it comes to the moment of occurrence and frequency of the use of the terms, such as "genocide" and "ethnic cleansing", as well as the moment of occurrence and frequency

of the mention of Serbs as an ethnic group that was carrying out such actions against other ethnic groups in BiH, and in comparison mentions of Croats and Muslims. Also, another robust piece of information is related to the front-page war articles of BiH.

While analyzing most generalities, the researchers simultaneously divided the bases containing articles from the aforementioned newspapers into several sections so as to be able to reach more specific conclusions. One of the large databases refers to articles that contain the words "Srebrenica" or "UN safe area" in the headline, and this database was created as such so that researchers could gain insight into the image of Serbs that had been constructed in connection with the events in the aforementioned UN safe area. The keywords that will be initially analyzed are those defined keywords that were found in articles on Srebrenica which were published during the period from April 1, 1992, to December 31, 199. Such a wide scope of newspaper articles should contribute to better understanding of the way this event was reported on, as well as of the way of reporting before those main events, and especially after, when a large number of texts suddenly appeared. Additionally, this database needed to be further elaborated and three more new samples were made to determine the frequency of the mention of Serbs as civilian and/or military casualties comapred to the frequency of the mention of Muslims as civilian and/or military casualties in connection with the following specific events:

The Scorched Earth Campaign (April 1992 – March 1993), Demilitarization of Srebrenica (April and May 1993) and the Breakthrough of the Hoops, the Entry of the VRS (Army of the Republic of Srpska) Forces and the Aftermath (July – August 1995). The reasons for choosing the mentioned time intervals are specified below. During the period from April 1992 to March 1993, an attack was carried out by Muslim military forces, ethnically cleansing a territory of 900 square kilometers, resulting in about 2000 Serbs being killed.[228] The period of April and May 1993 was chosen because Srebrenica was declared a safe area with the adoption of United Nations Security Council Resolution 819 on April 16, 1993. Therefore, it is extremely important to analyze these two months. The period of July and August 1995 corresponds to the final attack by the VRS on the UN safe areas (Srebrenica and Žepa) and their capture. Immediately after the fall of Srebrenica, in the aforementioned newspapers, many articles appeared that focused on reporting about what is known as the Srebrenica Massacre.

The next large database includes text headlines only and all significant photographs and other visual content published between January 1, 1991, and December 31, 1995. It should be noted that this database will not be analyzed due to lack of time, and the need to hire appropriate experts, but will become available. Therefore, some of the most significant photographs will be presented in our analysis, in order to illustrate our conclusions.

However, before the results are presented, the basic criterion for selecting articles should be elaborated. Bearing in mind the aim of the research, the selected articles explicitly talk about Serbs and their relation to other ethnic groups, especially to the Muslims and Croats

228 Dušan Pavlović, *Battle for Srebrenica: War for Civilisation*, (Banja Luka: Republički centar za istraživanje rata, ratnih zločina i traženje nestalih lica, 2018), 286.

who were on the territory of BiH. Therefore, all articles that did not explicitly talk about the relations between these three groups, but referred to relations between foreign actors (e.g. Western countries' division over BiH) or referred to other countries of the former SFRY (e.g. the unstable situation in Macedonia or the fuel shortage in Serbia due to sanctions) were not analyzed. Articles reporting about actions involving foreign factors and Serbs (e. g. the NATO bombing of the Republic of Srpska Army positions) were also included in the research sample. Since the relations between Croats and Muslims/Bosniaks are not the subject of this research, articles about the ongoing conflict between Croatia and BiH have not been included in the research sample.

3.2.2. Research results

3.2.2.1. Data analysis procedure

The analysis of the enormous amount of collected data showed that necessary adjustments needed to be made, aiming at their systematization and achieving the best possible results. This concerns, first and foremost, the approach discussed in the methodological section concerning the Sarajevo and Srebrenica databases. The reason for this is the fact that a huge number of articles are filled with diverse information, that is, that newspaper articles covering only one theme are quite rare.

As noted before, the primary analysis was quantitative, while the qualitative approach was applied only in certain cases where possible, and primarily as an addendum to the quantitative method. For this purpose, a database of keywords/phrases was formed, which would be the basis for quantitative content analysis. It consists of several thematic clusters:

- Serbs as subjects / perpetrators of war actions: (Bosnian) Serb (forces) torture / kill / rape / pound / reject / attack / raid / assault / slay / retreat / ignore / lay siege / blew up / withstand / occupy / shell, and so forth.
- Serbs as a side against which war actions were carried out (this is the reverse order of the words from the previous item – for example, Serbs attacked by / attack on Serbs)
- Characterization of Serbs: Serbian nationalist forces / nationalist Serbs, fearful Serbs, Serbian irregulars/guerrillas, Serbian civilians, Serbian forces/soldiers/military, Serb violations, Serb-held, Serb onslaught, Serb victims, etc.
- Muslims/Bosniaks as subjects / perpetrators of war actions: Bosnians / Muslims (forces) torture / kill / rape / pound / reject / attack / raid / assault / slay / retreat / ignore / lay siege / blew up / withstand / occupy / shell, and so forth.
- Muslims/Bosniaks as a party against which war actions were carried out (this is the reverse order of the words from the previous paragraph – for example, Muslims attacked by / attack on Bosnians)

- Characterization of Muslims/Bosniaks: Muslim nationalist forces / nationalist Muslims, fearful Muslims, Muslim irregulars/guerrillas, Muslim civilians, Muslim forces/soldiers/military, Muslim violations, Muslim-held, Muslim onslaught, Muslim victims, and so forth.
- (Bosnian) Croats as subjects / perpetrators of war actions: (Bosnian) Croat (forces) torture / kill / rape / pound / reject / attack / raid / assault / slay / retreat / ignore / lay siege / blew up / withstand / occupy / shell, and so forth.
- (Bosnian) Croats as a side against which war actions were carried out (this is the reverse order of words from the previous item – for example, Croats attacked by / attack on Croats) etc.
- Characterization of (Bosnian) Croats: Croat nationalist forces / nationalist Croats, fearful Croats, Croat irregulars/guerrillas, Croat civilians, Croat forces/soldiers/military, Croat violations, Croat-held, Croat onslaught, Croat soldiers, and so forth.
- Conflict characterization: ethnic strife, horror, massacre, genocide, ethnic cleansing, war crimes (trial/tribunal), and so forth.
- Toponyms and figures: Bratunac, Kravica, Goražde, Srebrenica, Sarajevo, Mostar, Ratko Mladić, Radovan Karadžić, Alija Izetbegović, Naser Orić, and so forth.

The expressions and phrases listed above represent the thematic clusters of the dictionary itself and illustrate the basic *axes* of the analysis (given that LIWC searches for the root of the word, a list of morphemes in English would only confuse the reader). It should be noted that the researchers defined the *passage* of the text as a word of analysis and the *theme* as a content unit of analysis. An inductive approach was employed – the researchers did not have predefined themes but instead they allowed them to "emerge" from each newspaper article. The described rule applies to any qualitative analysis of texts on specific events. In addition to the findings, the researchers will cite sections of the text that most accurately illustrate the given themes.

3.2.2.2. Quantitative analysis of complete BiH database of articles published between January 1, 1991, and December 31, 1995

The largest database that includes all articles important for the so-called general image of the Serbs created prior to and during the war in BiH (for the period from January 1, 1991 to December 31, 1995) was analyzed exclusively by a quantitative method. In other words, the researchers applied computerized processing of content analysis at the level of a single word (see the section on methodology).

Media reporting prior to and during the war in BiH was analyzed through the general structure of the narrative – the researchers having first defined the main actors and the actions they took. More precisely, the core of the analysis refers to the attacker-attack dimension. At the same time, actions were defined, that is, behaviors that are characteristic of war conflicts. Finally, negative descriptions and epithets are an indispensable aspect of any war reporting, and they were also taken into consideration. Given the above, the quantitative analysis consists of several dimensions:

- detecting the frequency of mentioning each ethnic group as attackers,
- detecting the frequency of mentioning each ethnic group as victims,
- descriptions of the conflict, that is, various actions taken during the war,
- detecting the frequency of mentioning each ethnic group as the initiator of the described actions,
- detecting the frequency of mentioning each of the ethnic groups in a negative context.

Having in mind the variety of words that describe the events that led to the war and the war itself in BiH, the researchers focused their attention on frequent, that is, repetitive descriptions – the term had to be repeated at least 100 times at the level of the entire base of articles for both papers. Therefore, although the analyzed terms do not represent an exhaustive list of all possible words of interest, the described list provides a robust insight into the manner of reporting on the conflict. At the same time, individual thematic clusters listed in the introductory part, which are not included in the computerized content analysis, are the subject of later qualitative analysis.

It should be emphasized that this type of processing is not without its deficiencies. For example, individual keywords are strongly contextualized. For example, this is visible in sentences such as: "Small cells of Serbian gunmen moved around the town yesterday to ensure it had been "cleansed" and the army units secured the bridges and dam on the Drina River." It must be read in its entirety in order to understand the use of the term of interest – (ethnic) cleansing. Therefore, the researchers combined computerized data processing with a visual search of individual terms, to reach more precise conclusions. However, the number of individual terms and the lack of material and human resources limited visual search in advance - some keywords simply could not be manually researched (e.g., the term *attack*, in various lexical forms, appears over 2,500 times in *The New York Times* alone). However, the researchers singled out a few extreme terms, guided by the stance that, if there are regularities in the case of the most negative terms, a similar regularity can be assumed in the case of less extreme words. As an additional argument for this approach, if a clear asymmetry between ethnic groups is observed on the *attacker-attacked* dimension, it can be (albeit roughly) assumed that the party that is predominantly described as the attacker is also the initiator of various actions.

3.2.2.3. The general image of the Serbs prior to and during the war in BiH

- The New York Times

Regarding the *attacker-attacked* dimension, the data indicate that Serbs are almost exclusively portrayed as the attacking party, while the remaining ethnic groups (especially Bosniaks/Muslims) are portrayed as the attacked.

Keyword frequencies are shown in Table 12.

Table 12. Characterization of different ethnic groups' roles in the conflict

	Serbs	**Muslims/Bosniaks**	**Croats**
Attacker			
force(s)	1502	265	257
militia(men)	153	13	140
irregular(s)	59	0	1
army	135	776	78
military	204	45	2
gunmen/gunner(s)	144	1	2
fighter(s)	120	44	29
Total	2317	1144	509
Victim			
defender(s)	2	60	5
civilian(s)	63	120	11
family(ies) (also includes the terms such as *women* and *children)*	35	75	4
refugees	60	127	12
TOTAL	160	382	32

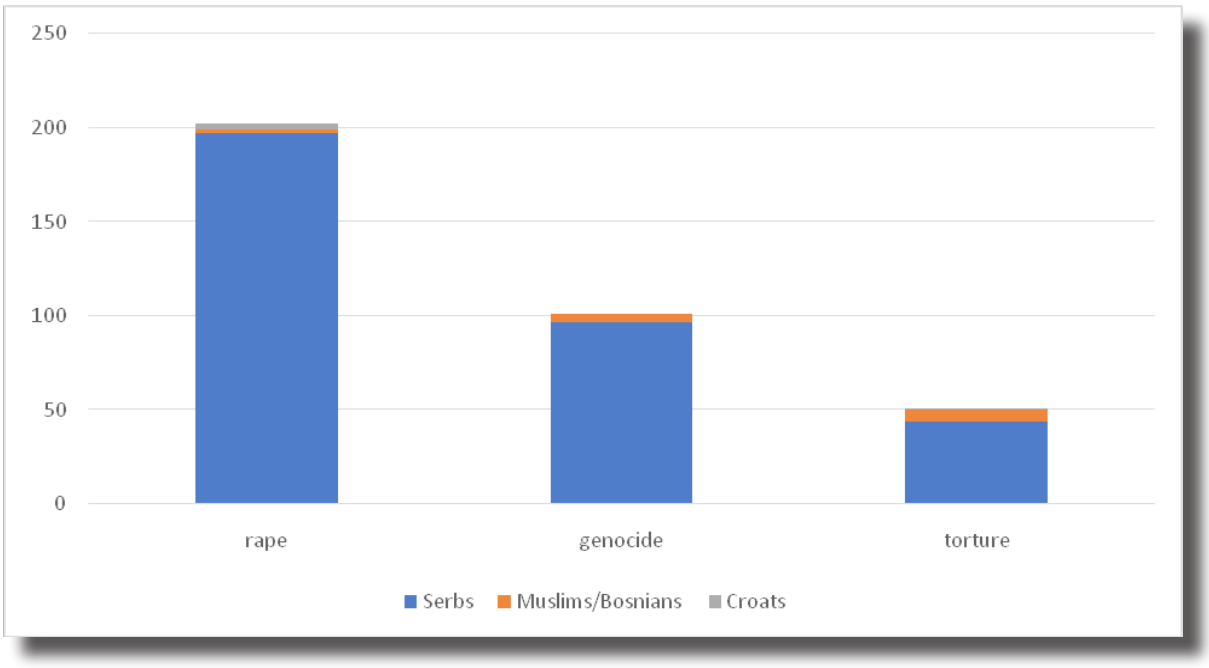
On the other hand, the keywords relating to the description of the conflict ranged from the typical ones, that is, stereotypical for any modern war (e.g., *kill, wound*), to the expressions specific to the war in BiH (e.g. *cleanse*).

Keyword frequencies are shown in Table 13.

Table 13: Description of war activities in BiH

Terms	
wound(ed/ing)	796
kill(ed/ing/s)	1671
attack(ed/ing)	2846
(be)siege(d)	1109
shell(ed/ing)	1607
pound (ed/ing)	158
assault(ed/ing)	291
rape(ed/ing)	227
torture(d)	57
(ethnic) cleanse(ed/ing)	577
raid(ed)	219
genocide(al)	103
Onslaught	43
massacre(d)	119

By selecting a few terms for visual search, the researchers pointed out the strong regularity of the descriptions – the Serbian side is, almost exclusively, the initiator of war activities (even the most serious one).



It should be noted that when it comes to the term of *genocide*, it was used in almost all cases as a condemnation of the Serbian people. Only four times the term has been mentioned in the context of the Serbian diplomats' appeals to the international community to help prevent genocide against Serbs.

The use of the term genocide began in 1991 when Serbian officials accused Croats: "At Friday's rally, the women echoed allegations and demands made by Mr. Milošević, who has charged that Croatia's government is riddled with neo-fascists who are plotting genocide against Serbs in the republic".[229] On the other hand, articles directly related to the war in BiH mention the term genocide for the first time in reports on the suffering caused by Serbs during the siege of Sarajevo:

> A resident with one of the few telephones still functioning in the central district dialed the home of an American diplomat in Belgrade, the Serbian capital, at 5:30 a.m., demanding help.
>
> "This is a citizen of Sarajevo," he said. "Do you know what is happening in Sarajevo? This is genocide, this is holocaust. What will you do? Please will you do something?" His voice breaking, the man was drowned out several times as shells slammed into a neighboring building, throwing clouds of masonry dust into the air. He went on: "Two months we spend in the basement! This night is fire night! Every building is hit with hard artillery. Please, Mister, it is early, my kids and wife, we want to sleep."[230]

Finally, an additional argument for characterizing the reporting on the war in BiH as the representation of antagonistic parties is the frequency of negative descriptions of each ethnic group.

Table 14. Portrayal of ethnic groups in a negative context

	Serbs	**Muslims/Bosniaks**	**Croats**
nationalist/nationalism	764	22	70
hardline(r)	54	20	2
war criminal/s	74	1	2
militant/s	8	1	2

229 Chuck Sudetic, "For Yugoslavia, Another Impasse" *The New York Times*, February 14, 1991.

230 John F. Burns, "Bosnian, Desperate Over Shelling, Appeals to U.S. for an Air Attack" *The New York Times*, 9. jun 1992.

3.2.2.4. The general image of the Serbs prior to and during the war in the BiH - *The Guardian*

As for the dimension *attacker-attacked*, the data confirm *The New York Times* analysis. The Serbs were presented as *attackers*. For the other two (especially for the Muslims/Bosniaks), the opposite regularity stands. They were presented as *attacked*.

Table 15. Characterization of different ethnic groups' roles in the conflict

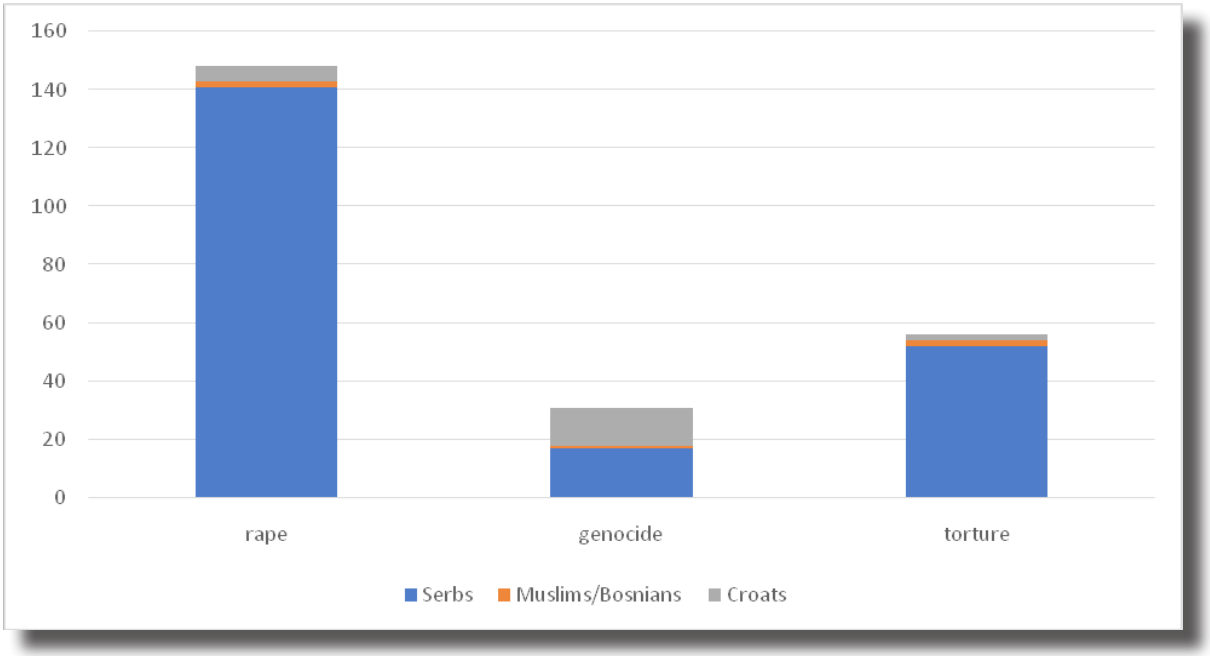
	Serbs	**Muslims/Bosniaks**	**Croats**
The ethnic group as the attacker			
force(s)	571	305	152
militia(men)	90	27	33
irregular(s)	74	4	1
Army	140	339	90
Military	145	31	33
gunmen/gunner(s)	50	7	3
fighter(s)	55	35	13
Total	1125	748	325
The ethnic group as the victim/attacked			
defender(s)	2	23	3
civilian(s)	29	69	10
family(ies) (includes the terms such as *women* and *children)*	34	73	5
Refugees	45	110	14
TOTAL	110	275	32

On the other hand, keywords that relate to conflicts have shown a strong presence of "general" terms, but have also shown the presence of descriptions of specifics that relate to the war in the BiH.

Table 16. Description of war activities in BiH

Terms	
wound(ed/ing)	500
kill(ed/ing/s)	1175
attack(ed/ing)	1305
(be)siege(d)	873
shell(ed/ing)	1003
pound (ed/ing)	104
assault(ed/ing)	177
rape(ed/ing)	197
Torture	80
(ethnic) cleanse(ed/ing)	570
Raid	204
genocide(al)	134
Onslaught	93
massacre(d)	167

By visual search of certain terms, the researchers confirmed the above-mentioned regularity – the Serbian side is, almost exclusively, the initiator of war actions.



It should be noted that when it comes to the term genocide, its usage begins in 1991, as a characterization of Croats by the Serbian media (it is a matter of mutual accusation): "The controlled media in both republics produces a diet of blood-curdling rhetoric. The Croats are described in Belgrade as 'genocidal', and in turn, they appear unable to mention the elective Serbian without adding terrorist or criminal".[231] On the other hand, articles directly related to the war in BiH (the beginning of reporting on clashes after the referendum on independence) contain this term for the first time in the context of reporting on the difficulties of the Serbian side to justify secessionist aspirations:

> Whereas Serbian moves in Bosnia – boycotts of parliament and referendums, declarations of secession and calling forth of an "autonomous republic", arming of militias – are identical to the pre-war actions of the Serbian minority in Croatia, Bosnian Serbs lack the justification invoked in Croatia, that a "fascist" government was bent on "genocide."[232]

In general, the use of the term *genocide* is different here compared to *The New York Times*. Most often, it is a question of the very general use of the term (it is not possible to directly conclude who is the perpetrator and who is the victim) and (equally general) creating a parallel with World War II. Also, the term was used as many as six times by Russian leaders as a characterization of the NATO attack on Serb positions in 1995 and twice as an accusation by Serbian leaders against a foreign media campaign and sanctions against Serbia.

In other words, in over 60% of cases when the term *genocide* was used it was not possible to determine which ethnic group was committing this crime and against whom during the war in BiH. However, the most valuable information concerns the *source* that spoke of genocide. Any allegations regarding the genocidal actions of the Muslim/Bosniak and Croat sides originated exclusively from the statements of Serb leaders. On the other hand, allegations that Serbs committed genocide came from both the Muslim/Bosniak side and *The Guardian* readers and correspondents, as well as Western and international leaders.

Finally, the finding that the Serbian side was portrayed negatively, in different ways, was reaffirmed:

Table 17. Portrayal of ethnic groups in a negative context

	Serbs	**Muslims/Bosniaks**	**Croats**
nationalist/nationalism	87	13	19
hardline(r)	35	3	3
war criminal/s	64	2	0
militant/s	81	7	2

231 Ian Traynor, "Split Loyalties of Yugoslavia's Partisan Heritage," *The Guardian*, May 8, 1991.
232 Ian Traynor, "Croatian Havoc May Save Bosnia from Bloodbath," *The Guardian*, March 5, 1992.

3.2.2.5. The general image of the Serbs prior to and during the war in BiH - Conclusion

Although not exhaustive, a quantitative analysis of the general image of the Serbs lead to the formation of several extremely robust conclusions:

- *The New York Times* and *The Guardian* presented a high level of mutual similarities;
- The Serbian side was the one that was consistently presented as the attacker;
- Other ethnic groups, especially Muslims/Bosniaks, were presented as the victims, that is, the attacked side;
- Descriptions of war activities were detailed and possessed a strong presence of different expressions, from the typical one for every modern conflict to specific ones related to the war in the BiH;
- The Serbian side was the exclusive initiator of war activities and perpetrator of the most serious crimes;
- The Serbian side was consistently described in a negative context.

Also, a very important fact refers to the discrepancy in the term *army*. Namely, Muslim forces were consistently characterized in this way, and far more often than Serbian forces were. Researchers believe that the reason lies in the fact that the Bosniak side, with its political and military institutions, was defined as the only legitimate one (hence the frequent use of the term *legitimate* or *government* as the epithet by which they are described). In contrast, the Serbian side was not defined as legitimate – its political institutions were usually *self-styled* and/or written in quotation marks (e.g., *Nikola Koljević, deputy of Bosnian Serbs' "parliament"*, etc.), and military institutions were defined using general terms.

The described conclusions can be summarized in a clear and simple message. Reporting on the war in BiH painted a picture in which the conflicting parties were distinguished. On the one hand, there was the Serbian side, as the "bad" attacker. In contrast, Bosnian Croats living on the territory of Bosnia and Herzegovina, and especially the Bosniaks, were portrayed as a party against whom various acts of war were being committed. Thus, these two ethnic groups became the *de facto* "good" side, bearing in mind the consistently negative characterization of Serbs.

This undoubtedly simplified picture was reaffirmed and repeated through practically every newspaper article. Given that *The Guardian* alone dedicated almost 2,000 headlines to the war in BiH (the actual number is higher, but, given the poor resolution of some scanned articles they did not become part of the database), it becomes clear to the reader how strong this simplified interpretation is, incessant, and long-lasting.

3.2.3. Criteria for the selection of articles and problems

In order to study the method of mass media reporting, researchers decided to create a database of articles, as already mentioned, that contained the words "Srebrenica", "safe area" (related to Srebrenica), and "massacre" (and reports on Srebrenica exclusively) in their headlines for the period from April 1, 1992, to December 31, 1995. As mentioned earlier, while creating the large Srebrenica database, three more databases were simultaneously created (see Research Methodology subchapter for more details). The result of using such criteria for the selection of texts is a small number of articles, but this approach allowed us to perform the media content analysis of articles that exclusively dealt with Srebrenica.

However, the selection of specific time frames instead of the selection of concrete events has several important consequences:

- There are many articles of extraordinary importance for the analysis of media reports on Srebrenica which appeared outside of the expected timeframe of July-August 1995. For example, no articles that correspond to mentioned parameters were published in *The New York Times* between July and August 1995. Key articles were published outside this timeframe. It is the same with *The Guardian* database. There are just two articles that meet the criteria of the selection of texts for the Srebrenica database;
- such broad timeframes (April 1992 – May 1993 and July – August 1995) contain far more articles that did not report on the events in Srebrenica;
- a large number of texts that addressed this topic while covering other events were omitted, as were those articles from headlines of which it can easily be deduced that Srebrenica was not the central topic of the article;

Recognizing these difficulties, the researchers gradually sampled the texts:

- a database with texts in connection with the general image of Srebrenica, which was already defined and remains unchanged (articles that meet the criterion of the keywords in the headline), was created;
- databases were created that contain articles published in the specified timeframes, which include all texts that were published during the defined periods regardless of their content;
- texts that have been included in the database related to the general image will be excluded from these three databases (overlapping of texts is thus avoided);
- analysis of "mixed" texts from three databases will involve only those parts of texts that deal with the events related to Srebrenica, while the rest of the articles will not be subject to analysis (given the very long time period that was analyzed through qualitative content analysis);

Thanks to the steps specified above, the researchers were able to partially compensate for the difficulties described. However, it should be noted that the presented analysis is not perfect since some of the information is, inevitably, missing due to the limited amount of time that the researches had as well as limited human resources. Nevertheless, the combination of findings from different databases, created using different criteria, sufficiently compensates for the missing findings. The researchers, therefore, believe that comparing the findings is a strategy that allows for robust conclusions to be drawn about the reporting practices of *The New York Times* and *The Guardian* when describing what happened in and around Srebrenica. It should also be noted that, due to the volume and number of texts, the researchers did not separate the analyses, but they rather presented the extracted dominant themes coherently.

3.2.3.1. Srebrenica: July and August, 1995

Through qualitative content analysis of databases containing articles from *The New York Times* and *The Guardian* that were published in July and August 1995, the following thematic sections were singled out:

- The attack of Serb forces on UN peacekeeper garrisons, consisting of Dutch troops, and the unpreparedness of international organizations:

> The small garrison of United Nations peacekeepers on the edge of the town, Srebrenica, requested NATO air protection, but an air attack was called off when the fighting subsided, United Nations officials here said. . . . "This is totally unacceptable," said Colonel Coward when questioned about the ultimatum. "We have a mandate and we are determined to meet the mandate and protect the Srebrenica safe zone." In its apparent willingness to undertake air strikes and confront the Serbs even while 30 Dutch troops were being detained by the Bosnian Serb forces, the United Nations seemed to be showing a new resolve in the face of Serbian threats. . . . Many Western leaders say that the United Nations has no more than a few weeks to show that it can carry out its mandate of protecting designated civilian areas, or face the likelihood of a difficult withdrawal from Bosnia.
>
> Srebrenica, a Muslim area that is protected by a United Nations mandate, has been the target of an intense assault by Bosnian Serb artillery and tanks in the last several days. The Bosnian Serbs have surrounded the enclave, but have not reached the town's center because a platoon of 30 to 60 Dutch troops is posted at the only entrance through hills that encircle it. . . . "We don't think the city is falling," said a Pentagon official. "It's under considerable stress."
>
> "Our belief is that this in retaliation for the Government offensive around Sarajevo, and designed to generate refugees, intimidate the U.N. and discredit the Government," he said, referring to the Bosnian Government, which has sought to protect Srebrenica and two other Muslim enclaves surrounded by Serbian troops in eastern Bosnia. . . . There were further attacks on United Nations peacekeepers in Žepa today, according to agency officials in Sarajevo. Like Sarajevo, both Srebrenica and Žepa, which is 10 miles to the southwest of Srebrenica, were designated in 1993 as United Nations safe areas to protect Bosnian Muslims.

The Secretary General of the United Nations, Boutros Boutros-Ghali, in Greece today, repeated to reporters his firm resolve to defend the safe areas. "The mandate we have received is to protect the enclaves," he said. "We are ready in case of need to use the air force with the cooperation of NATO."

United Nations spokesmen said the fighting in Srebrenica, which began on Thursday and has seen the Bosnian Serbs take the southeast corner of the enclave, continued today between Bosnian Serbs and a handful of lightly armed Bosnian Government troops.

The civilians in the town spent the day huddled in buildings to protect themselves from Bosnian Serb shelling, United Nations relief officials said. Bosnian Government officials said there were numerous dead and wounded and that Bosnian Serbs have set fire to houses in outlying areas as they advanced.

Kris Janowski, a spokesman for the United Nations High Commissioner for Refugees, said some civilians from outlying areas had fled into Srebrenica, straining housing and food supplies in the "hopelessly overcrowded" town.[233]

- Srebrenica as an illustration of the motive of the Serb side:

This, in any case, is territory about which the Serbs are not prepared to make any compromise. They want the three eastern enclaves -- Srebrenica, Žepa and Goražde -- in order to form an uninterrupted swath of Serb-held territory bordering on Serbia itself. In exchange, they have said, they might cede something to the west of Sarajevo.[234]

"By taking Srebrenica, they would neutralise the Muslim threat, free manpower, and remove an obstacle to their longstanding aim to enjoy full control of eastern Bosnia".[235]

The third point of the attack on Srebrenica appears to have been a determination to demonstrate that the Serbs want a resolution of the conflict, whether by force or eventual negotiation. They do not want a drawn-out war that may eventually go in Bosnia's favor, because arms and money are now beginning to flow to the Government in Sarajevo. . . . The Serbs have also made it clear that they are prepared to try to force the Bosnian Government to the negotiating table by humiliating it on the battlefield. In effect, they have sent a message that Žepa, Goražde, and Bihac, a Muslim enclave in northwestern Bosnia, could follow Srebrenica.[236]

The Bosnian Serb leader, Radovan Karadžić, reacted yesterday by saying any attempt to re-establish a "safe area" in Srebrenica "would mean war with the Serbs". "Nobody can make us return the safe area status to Srebrenica," he said on Bosnian Serb television. "This is war and we are one of the sides in the war." He added that the Bosnian government should "urgently seek a meeting with us to arrange an end to this war".[237]

233 Chris Hedges, "Serb Forces Fight Dutch UN Troops in Eastern Bosnia," *The New York Times,* July 11, 1995.

234 Roger Cohen, "Conflict in the Balkans: Strategy; As Usual, Serbs Call The Shots," *The New York Times*, July 12, 1995.

235 Ian Traynor, "Third Time Unlucky for Unsafe Area," *The Guardian,* July 13, 1995.

236 Cohen, "Conflict in the Balkans".

237 Ian Black, "UN Insists That it Still Has a Role," *The Guardian,* July 13, 1995.

- Description of the difficult situation in Srebrenica even before the fall which was a result of the Serb blockade:

In the Muslim enclaves of eastern Bosnia – Srebrenica, Žepa and Goražde – the international relief effort has slowed to a trickle because of the same Serb blocking tactics.[238]

Yasushi Akashi, the secretary-general's special representative in Bosnia, increased the gloom by pointing out that even, before capturing Srebrenica the Bosnian Serbs consistently blocked aid convoys.[239]

- Emphasizing that Srebrenica was a place from where people were fleeing from ethnic cleansing committed by Serbs during the BiH war, and that it was a UN safe zone:

Srebrenica, with its 40,000 Bosnian Muslims, was a symbol. Many people living there were chased at gunpoint by the Serbs from surrounding towns that were "cleansed" of their Muslim population shortly after the Bosnian war began in April 1992.[240]

The overwhelming majority of the estimated 42,000 in a town that was home to a tenth of that before the war were victims of the Serb pogroms of 1992.[241]

The policy was born of the Srebrenica crisis in early 1993, when the Serbs threatened to overran the enclave. The then UN commander, General Philippe Morillon of France, returning from Srebrenica to announce the safe havens policy, said: "Srebrenica is saved. A Serb attack on Srebrenica will be an attack on the whole world."[242]

- Characterization of the Serb forces' attacks as a deliberate ignoring of threats, using all means in order to achieve victory:

After advancing to high ground within a mile of Srebrenica town, overrunning UN military posts, and taking some 30 Dutch UN soldiers hostage on Sunday, the besieging Serbs yesterday ignored warnings of NATO reprisals and continued to shell the enclave, home to an estimated 40,000.[243]

238 Ian Traynor, "'Safe Havens' Starve as UN Looks Sway," *The Guardian,* July 3, 1995.
239 Jonathan Steele, "Refugees Face Food Crisis," *The Guardian,* July 13, 1995.
240 Cohen, "Conflict in the Balkans".
241 Ian Traynor, "Muslims Face New Ethnic Cleansing," *The Guardian*, July 12, 1995.
242 Traynor, "'Safe Havens' Starve."
243 Ian Traynor and Julian Borger, "Serbs Defy UN Air Raid Threat," *The Guardian*, July 11, 1995.

- The attack of Serb forces on Dutch UN members and their capturing:

AP adds: Dutch peacekeepers in the Bosnian enclave of Srebrenica huddled in their shelters yesterday as Bosnian Serbs unleashed a barrage of shells on the town. Their camp in the UN "safe" area was hit by 10 shells and a Dutch observation post was damaged. None of the 450 Dutch troops was hurt.[244]

Speaking of Gen. Ratko Mladić, the Bosnian Serb military commander who marched into Srebrenica and captured tens of thousands of Muslim civilians and more than 400 Dutch peacekeepers, Gen. Philippe Morillon, a member of the French General Staff, said tonight: "We have to declare war on Mladić or get out."[245]

Fifty-five Dutch peacekeepers have been taken captive by the Serbs since the assault began, including seven seized on Thursday night. The status of the remaining Dutch peacekeepers, still at their overrun United Nations base within the old "safe area," is unclear.[246]

- Description of war crimes:

The refugees from the ostensibly protected, now conquered enclave of Srebrenica spent the day camped in open fields under a blistering sun, begging food, water and medicine from aid workers who had little and wailing over the fates of husbands, sons, fathers and brothers taken away by Bosnian Serb forces.

Their accounts of Serbian cruelty - of throats slit and women raped before the women and children were packed on buses for a mass ethnic deportation - were impossible to verify, but they held the refugees in an emotional grip. . . . Sabida Mehonovic, 26, said Serbian soldiers stripped her of her earrings and her wedding ring before allowing her to board a bus for Tuzla. She is caring for her two children and two others whose parents disappeared during Tuesday night's rampage in Srebrenica. Her husband is missing, and she believes that he was killed.

"Most of us had had no sleep and no food for three days and nights," Mrs. Mehonovic, who is eight months pregnant, said through her tears. "People are beginning to go mad, especially the children who saw their fathers and brothers killed."

According to accounts of refugees, hundreds of men were killed by Serbs after their victory. Thousands were reportedly taken away for what the Serbs said would be investigation for possible war crimes, while others managed to escape.

Several hundred refugees found shelter from the sun in a concrete airplane hanger. Among them was one of the few men to emerge from Srebrenica, 67-year-old Mustafa Kospic. As he told his horrific tale, involving events during a bus ride from the village

244 Julian Borger, "New Bosnia Force Seeks a Free Hand," *The Guardian*, July 7, 1995.

245 Craig R. Whitney, "Conflict in the Balkans: In Paris; France Asks Allied Forces to Help Hold 'Safe Areas'," *The New York Times,* July 14, 1995.

246 Chris Hedges, "Conflict in the Balkans: The Fighting; Serb Forces Shell UN Peacekeepers at 2d 'Safe' Area," *The New York Times,* July 15, 1995.

of Srebrenica to other parts of the enclave, before the sexes were separated, people gathered around, nodding to confirm it and adding details of their own.

"Outside Srebrenica, the buses stopped and Serbs took young men and women off," Mr. Kospic said. "They made us watch while they cut the men's throats and raped the women. We saw this happen. I watched them slit throats."

Said Halilcevic, a local Muslim man who spent much of Thursday and Friday talking with refugees, said: "It's beyond words. These people have lived through an unbelievable terror. Something completely evil happened in Srebrenica."[247]

As thousands of Muslim refugees from Srebrenica were moved from a wretched camp outside the airport here in northeastern Bosnia, United Nations officials said today that about 20,000 other Srebrenica refugees were unaccounted for.

"There are 20,000 or so people missing, and we have not been able to trace them," said Yuri Shishayev, a United Nations spokesman in Tuzla, 45 miles northeast of Srebrenica. "Most of them are men of draft age, and the Serbs' stated position is that they have been taken away for screening. But given the manner in which they carried out the operation in Srebrenica, I think we have some grounds to fear the worst."[248]

"Chetniks came into the factory on Tuesday night," said Hanifa Masanovic, a 26-year-old refugee from the village of Slatina, which she described as a three-hour walk from Srebrenica. Many Muslims and Croats refer to Bosnian Serb troops as Chetniks, a name used by Serbian fighters in past wars.

"They were shouting and shooting bullets at the ceiling," Mrs. Masanovic said. "They took some young boys with them, kids who were probably between 12 and 17 years old. Later we heard screaming outside. A man in a United Nations uniform came and told us not to worry, that a woman was going crazy outside. He spoke our language, and I could tell he was a Chetnik."

"Nobody dared to say anything because we were afraid we would all be killed. On Wednesday morning I went outside to get water. Next to the fountain I saw seven of the boys with their throats cut, and two others hanging from a tree."

Another refugee, Hava Muratovic, 29, who said she came from the village of Konjevic Polje, gave a nearly identical account, although neither woman was familiar enough with Potočari to identify the factory in which they were held.

"The Chetniks came into the factory late on Tuesday night and took about 20 teen-age boys away," Mrs. Muratovic said. "We knew they were going to be killed, but what could we do? The next morning I saw a pile of bodies next to the water fountain. There were about 10 of them, all with their throats cut. There was a tree next to the fountain, and two other bodies were hanging from the branches."[249]

247 Stephen Kinzer, "Conflict in the Balkans: The Refugees; Terrorized Human Tide Overwhelms Relief Camp," *The New York Times,* July 15, 1995.

248 Stephen Kinzer, "Conflict in the Balkans: The Refugees; Bosnia Lets Refugees Leave Camp But 20,000 Others Are Missing," *The New York Times,* July 16, 1995.

249 Stephen Kinzer, "Conflict in the Balkans: The Refugees; Bosnian Refugees' Accounts Appear to Verify Atrocities," *The New York Times,* July 17, 1995.

After the fall of Srebrenica last week, some 4,000 Bosnian Government soldiers fought their way through Serb-held territory to reach the Muslim-held town of Tuzla on Monday. Survivors of the 30 to 40-mile journey said 11,000 other men who also fled Srebrenica after it was overrun were still unaccounted for. Several thousand additional men from Srebrenica are believed to be held captive by the Bosnian Serbs.[250]

Fernando del Mundo, a UNHCR spokesman in Tuzla said: "people are saying that along the way [out of Srebrenica] they saw hundreds of men rounded up, bodies lying along the road, groups of men kneeling with their hands behind their backs. There's a trend in these stories. Reports of executions, incidents of rape, robbery, men being separated from women and children," Mr del Mundo said. The number of people missing in Srebrenica is still unknown.[251]

The Dutch defence minister, Joris Voorhoeve, said: "The refugees gave very authentic stories with very detailed account. If only two-thirds are true, it is a horrible picture. We have heard an account of a Serb couple from Bratunac and according to that couple 1,600 people were killed in a school yard," he said. The UN relief agency says that 30 escapees from Srebrenica, including women and children, were lured out of the forest by Serbian forces disguised as UN troops, and shot.[252]

- Deportation of the people:

The horrors of the Serbian "ethnic cleansing" that spawned a network of camps and sprawling columns of refugees returned to haunt Bosnia and the rest of the world last night as thousands of the elderly, women and children were forced out of Srebrenica, bused to within miles of the front line and made to trudge across the treacherous lines to seek sanctuary. General Ratko Mladić, the Bosnian Serb commander, strode into the east Bosnian Muslim enclave of Srebrenica to survey his latest conquest, accompanied by a fleet of buses and lorries. He ordered the instant deportation of tens of thousands of people, under siege for three years. The evacuations are the biggest wave of ethnic cleansing in Bosnia in two years.

Families were being sorted by gender, with males, suspected combatants and "terrorists" detained as prisoners of war, United Nations officials said. Thousands of youths and men were believed to be in Serb detention last night. According to a UN spokesman, Alexander Ivanko, General Mladić said all males aged over 16 would be transported east to Serb-held Bratunac, to be "screened for war crimes".[253]

- The state of Bosniak/Muslim troops after the fall of Srebrenica:

250 Chris Hedges, "Bosnia Threatens U.N. Troops Unless NATO Jets Aid Defense," *The New York Times,* July 19, 1995.
251 Julian Borger, "More Atrocities Feared in Zepa Attack," *The Guardian,* July 17, 1995.
252 Ian Traynor, "Dutch Troops Tell of Atrocities," *The Guardian*, July 24, 1995.
253 Ian Traynor, "Serbs bus refugees to front line," *The Guardian*, July 13, 1995.

Like an army of ghosts, a column of 5,000 Bosnian soldiers and civilians, missing since the fall of the Srebrenica enclave last week, staggered out of the wooded hills of northern Bosnia yesterday, exhausted and frail from a desperate five-day march to safety across Serb held territory. According to survivors, hundreds died in the escape attempt from Srebrenica when they were cut down by Serb ambushes or by starvation. Others, tormented by hallucinations brought on by fear and hunger, wandered off into the bush and vanished. The ordeal pushed some beyond the borders of sanity. One man killed himself with a hand grenade on the march, a survivor recalled: "He was yelling he wanted to go home, and pulled the pin, killing the people standing around him."[254]

- The humanitarian catastrophe in a refugee camp near Tuzla:

In tears and confusion, thousands of women, children and old men expelled from Srebrenica poured off buses yesterday at the decrepit air base in the town of Tuzla, northern Bosnia, accusing Serb rebels of murder and rape and the United Nations of indifference during the fall of the enclave. The handful of aid workers in Tuzla were overwhelmed by the wave of refugees. Some handed out cartons of water. But there was no food, no advice and no organisation. New arrivals had to fight their way through a weeping, near hysterical crowd, desperate to find friends and relatives separated from them during their expulsion. The expulsion was one of the biggest single forced movements of the 40-month Bosnian war. In the past 24 hours, about 15,000 civilians – all women, children and the elderly – have been "ethnically cleansed" from territory just conquered. The Serbs are demanding that another 20,000 or more be herded into refugee compounds in the Tuzla area today.[255]

- Characterization of events as a continuation of the Serb ethnic cleansing campaign:

Today's attack by Serbian forces came five days after they seized Srebrenica, another mostly Muslim safe area 10 miles north of Žepa, as part of their "ethnic cleansing" campaign that began after the Muslim-led Bosnian Government declared independence in April 1992. The offensives since then have gained the Bosnian Serbs control of 70 percent of the country.[256]

The reports came as Serbian forces, wary of provoking NATO bombardment if they attack Goražde, at the weekend stepped up their campaign to empty Žepa of thousands of Muslim civilians, and resumed their onslaught on the north-western enclave of Bihac.[257]

254 Julian Borger, "Return of the ghosts of war," *The Guardian*, July 18, 1995.
255 Julian Borger, "'Everything Was Burning. They Lined Us up and Took the Men Away. I Saw a Boy Shot through the Mouth'," *The Guardian*, July 14, 1995.
256 Chris Hedges, "Conflict in the Balkans: The Overview; Serbs Close In on 2d Bosnian 'Safe Area'," *The New York Times,* July 17, 1995.
257 Traynor, "Dutch Troops Tell of Atrocities."

- The UN abandonment of Srebrenica due to its strivings for reorganization of troops and the standpoint that Srebrenica was militarily undefendable:

"In Srebrenica, the UN response is likely to be to pull their guys out of there, which they want to do anyway. They can regroup to get a stronger and more coherent presence, take all the vulnerable soldiers from outlying places, and that clears the way for greater use of air power." The "regrouping" is already under way.[258]

We must accept that it is too late to regain Srebrenica: it is sheer fantasy to imagine that a UN expeditionary force could be dispatched over a hundred mountainous miles or that it would not become bogged down if it reached its destination. The problem of defending supply routes for itself and for the refugees across Serb-controlled territory would be insuperable.[259]

- Calling attention to the UN failure in Srebrenica, as well as everywhere else in BiH:

The fall of Srebrenica has thrown the future of the United Nations mission in Bosnia into jeopardy, senior American and Western European officials said today.

The Bosnian Serbs' seizure of the United Nations-protected enclave "raises the question as to whether the U.N. force will be able to stay in Bosnia and perform their humanitarian mission," Defense Secretary William J. Perry said in an interview on Cable News Network. . . . In Paris, President Jacques Chirac had a much stronger reaction to the Bosnian Serbs' storming of Srebrenica. He said that France would send troops to Srebrenica if the United Nations asked that the enclave be recaptured from the Bosnian Serbs.[260]

Today, in remarks to reporters in the Rose Garden, Mr. Clinton called on the United Nations forces "to go back in there and re-establish the safe area" around Srebrenica -- a statement that even Administration officials described as a mistake, because no such action is possible, and talking about it, as one said, "can only make us look futile and weak."[261]

The Serb offensive against Srebrenica raised further questions about the longevity of the UN mission in Bosnia and was the latest in a long line of Serb humiliations since they seized almost 400 UN hostages after NATO air strikes in May.[262]

258 Traynor, "Muslims Face New Ethnic Cleansing."
259 "Defending the Defensible," *The Guardian*, July 13, 1995.
260 Eric Schmitt, "Conflict in the Balkans: Reaction; U.S. and NATO Face Unhappy Choices for U.N. Force in the Balkans," *The New York Times,* July 12, 1995.
261 Raymond W. Apple Jr., "Conflict in the Balkans: In Washington; Clinton Is Scrambling to Find Way to Help U.N. in Bosnia," *The New York Times,* July 14, 1995.
262 Traynor and Borger, "Serbs Defy UN Air Eaid Threat."

For the beleaguered UN mission in Bosnia, the failure to safeguard Srebrenica despite calling in NATO air power will raise further protests about the futility of the Bosnia operation and increase the clamour for a UN withdrawal from Bosnia.[263]

Bosnia's ambassador to the UN, Ivan Misic, described the fall of Srebrenica as "a fatal blow to the international community and to the capability of the UN to fulfil its own decisions and resolutions". He also voiced concern at the prospect that the UN would again be party to ethnic cleansing.[264]

Incidentally, the Serbs were wondering if we at the UN could help them out with a spot of ethnic cleansing – given that there's 40,000 of you still hanging about inside the Srebrenica enclave. They've asked us to help out with a road for you so you can clear out to Tuzla in central Bosnia. A nice big Safe Haven reservation we've set up. The Serbs have even offered to lay on the buses to take you to the refugee camps. We're organising that.[265]

- Condemnation of the capture of Srebrenica and (the French) willingness to take strong action against the Serb forces:

The UN Security Council was in emergency session last night, preparing a draft resolution condemning Serb action in Srebrenica and demanding an immediate withdrawal and the restoration of the town as a safe area. In Strasbourg, the French president, Jacques Chirac, said France was prepared to provide political and military support "if the UN Security Council called for it", but did not specify whether this would be in addition to French troops already pledged to the Rapid Reaction Force.[266]

Labour's defence spokesman, David Clark, protested that the world could not simply sit back as the Bosnian Serbs committed their "outrageous act of aggression which places the lives of thousands of innocent people in jeopardy" in Srebrenica. His colleague, Robin Cook, spoke of "betrayal" by the international community and urged an ultimatum - backed by the threat of force - to require the Bosnian Serbs to withdraw.[267]

- The spreading of conflicts to Žepa and its fall:

United Nations and Bosnian Government officials say the drive into the 16-square-mile enclave of Srebrenica (pronounced Sreh-breh-neet-sah) appears to be part of a Bosnian Serb offensive to take over the three eastern safe areas, harboring tens of thousands of Muslim refugees.

These officials said there were signs that Bosnian Serb troops were massing to the

263 Traynor, "Muslims Face New Ethnic Cleansing."
264 Mark Tran, "UN 'determined to stay in Bosnia'," *The Guardian,* July 12, 1995.
265 Maggie O'Kane, "Now Look You Lot, Just Pack It in and Die Quietly," *The Guardian,* July 13, 1995.
266 Tran, "UN 'Determined to Stay in Bosnia'."
267 Michael White, "Action Call Unites MPs," *The Guardian,* July 13, 1995.

north and south of Žepa, a safe area near Srebrenica, and fighting was reported there tonight. Sarajevo, the Bosnian capital, another designated safe area, was shelled intermittently today and by night was shaking with heavy shelling.[268]

Bosnian Serb forces have lobbed heavy artillery fire into densely packed areas in Srebrenica, Sarajevo and Žepa over the past days. As many as a half a dozen people a day die in Sarajevo, with twice as many wounded from artillery attacks. The victims are almost always civilians, blown up or maimed as they scurry down cratered streets to fill a plastic container with water or buy a bag of rice.[269]

The attack on Žepa followed the pattern of the attack earlier against Srebrenica Lieut. Col. Gary Coward, a United Nations spokesman in Sarajevo, said the Bosnian Serbs issued an ultimatum to Bosnian troops to lay down their arms and surrender. When it expired at 2 p.m. the Bosnian Serbs began to shell the enclave and moved tanks and infantry forward.[270]

An estimated 1,000 refugees were taken from Žepa on 21 buses, a spokesman for the United Nations High Commissioner for Refugees said. Between 10,000 and 16,000 Muslim refugees and Bosnian Government troops were said to be in Žepa shortly before it fell.

The Bosnian Serbs have demanded that all men from the age of 16 to 55 be surrendered as prisoners of war. The safe area's defenders were also told by the Serbs to disarm.

"The civilian population has a choice of staying or leaving," the Bosnian Serb leader, Radovan Karadžić, said in a statement today. "Members of the Muslim army will get a status of war prisoners and will be exchanged in the future."[271]

Once Gen Mladić has moved the Muslims of Srebrenica, he is expected to evict the 16,000 in the Žepa pocket to the south west, where 100 Ukrainian UN troops are stationed.[272]

The onslaught on Žepa, nine miles south-west of Srebrenica in eastern Bosnia, followed a Serbian ultimatum for its surrender.

The Serbs burned outlying villages, shelling Žepa and targeting the UN posts and main compound in the town housing the 79 Ukrainian UN troops based there. Žepa's 16,000 inhabitants are expected to join the wretched trail of convoys and refugee columns wending their way across the frontlines to sanctuary, of sorts, in Tuzla and Kladanj. Around 20,000 refugees had arrived from Srebrenica by yesterday, relief officials said, but only a couple of hundred remained in the east Bosnian town along with more than 300 Dutch UN troops.[273]

268 Chris Hedges, "Conflict in the Balkans: The Overview; Bosnian Serbs Overrun Town Protected by U.N.," *The New York Times,* July 12, 1995.

269 Chris Hedges, "Conflict in the Balkans: In Bosnia; Bosnian Serbs Open Drive On a 2d U.N. 'Safe Area,'" *The New York Times,* July 14, 1995.

270 Hedges, "Conflict in the Balkans: The Fighting; Serb Forces Shell U.N. Peacekeepers."

271 Chris Hedges "Conflict in the Balkans: The Fighting; 'Safe' Town in Bosnia Falls to Serbs," *The New York Times,* July 26, 1995.

272 Traynor, "Serbs Bus Refugees."

273 Martin Walker, Julian Borger and Ian Traynor, "Serbs Turn on Second Safe Haven," *The Guardian,* July 15, 1995.

- Serbs' crimes in Potočari:

> The air was filled with anguished cries as the Bosnian Serbs loaded the first 3,000 women, children and elderly refugees onto buses at Potočari, the United Nations base overrun today outside Srebrenica, which was captured on Tuesday. The refugees were dropped off outside Kladanj, about 25 miles away, where they were forced to walk the last six miles across the front lines to the Government-held town and aid.
>
> "It was quite a horrifying scene," said Stephan Oberreit of Doctors Without Borders, who spoke by radio from Belgrade with colleagues in Srebrenica. "There was screaming and crying and panic. They didn't know where they were being taken to". . . . The refugees fled north from the town of Srebrenica to Potočari on Tuesday after Bosnian Serb troops swept into the heart of the United Nations safe area, forging on to take the town in the face of NATO air strikes.
>
> Today, 1,500 Bosnian Serb troops backed by tanks advanced at midday into Potočari. They overran the United Nations base with no resistance after they threatened to shell the refugees and kill some Dutch peacekeepers they are holding hostage if NATO warplanes intervened.
>
> The Dutch peacekeepers had allowed dozens of wounded people into their compound at Potočari on Tuesday night, but most of the 40,000 refugees "spent the night with nothing, on the field surrounding the camp," said Ron Redmond, a spokesman for the United Nations High Commissioner for Refugees in Geneva.[274]

> Accounts of the capture of Srebrenica told of brutality mixed with small kindnesses, suggesting an attempt by the rebels to improve their reputation. But the common theme was terror and chaos. "The Chetniks (Serbs) came at 7 o'clock in the morning. They gave us bread and water, but that was as long as the cameras were recording," said Sahra Huseinovic, a woman in her forties, who had been rounded up in Suceska village in the Srebrenica enclave. "But then when the cameras were gone the soldiers encircled us and took us to Potočari. There everything was burning. All the rooms of the houses were in flames. They lined us up and took the men away, but some people were shot. I saw a 13-year-old boy shot through the mouth."[275]

- Reminding that thousands of people were missing after the fall of Srebrenica:

> The whereabouts of thousands of the vanquished of Srebrenica remains unknown.[276]
>
> Speaking at a press conference in the northern Bosnian town of Tuzla, the Polish diplomat said 7,000 people were missing from Srebrenica after its fall to Serb forces on July 11.[277]

274 Chris Hedges, "Conflict in the Balkans: The Overview; Serbs Start Moving Muslims Out of Captured Territory," *The New York Times,* July 13, 1995.
275 Borger, "Everything Was Burning."
276 Ian Traynor, "Serbs' War-War Mocks West's Jaw-Jaw," *The Guardian*, July 21, 1995.
277 Ian Black, "UN Envoy Condemns 'Barbaric' Serbs," *The Guardian,* July 25, 1995.

The ICRC, in line with standard practice, will not comment on the condition of the men or even say how many they found of the estimated 4,000 missing since the Serb invasion.[278]

United Nations official estimate that 4,000 to 6,000 Muslim men are still missing in the wake of the Srebrenica and Žepa assaults.[279]

- Description of the fall of Srebrenica as a massacre, war crime, and so forth:

After the Bosnian Serbs carried out a similar pogrom on a bigger scale at Srebrenica last week, their leader, Radovan Karadžić, denied there had been any ethnic cleansing.[280]

But the conference was convened – amid increasingly gruesome reports of widespread atrocities after the seizure of Srebrenica – with the aim of halting Serb outrages.[281]

The Dutch defence minister, Joris Voorhoeve, said yesterday that he believed grave war crimes had been committed in the UN-protected Muslim enclave of Srebrenica, which was overrun by Bosnian Serb forces 11 days ago. He told Dutch television from London, where he attended the international crisis meeting on Bosnia: "We know that very serious things happened in Srebrenica. We still do not have a complete picture but I fear that hundreds, if not thousands of people died. I believe that grave war crimes occurred."[282]

"These events require a thorough investigation," Mr Mazowiecki said. "But I can say that what happened cannot be described as [moderate] violations of human rights but as extremely serious violations on an enormous scale. Barbaric acts have been committed." Scores of refugees have described killings, rapes, mutilations and forced family separations.[283]

Panos Moumtzis, a spokesman for the UN High Commissioner for Refugees in Zenica, said: "There appears to be nothing like raping and barbarism, like in Srebrenica."[284]

- Massacre evidence:

The physical evidence was grim and convincing. At one site shown in recent American spy-satellite photos of the area, I saw what appeared to be a decomposing human leg protruding from freshly turned dirt. Large empty ammunition boxes littered the fields

278 Ian Black, "Horrified Human Rights Envoy Quits," *The Guardian,* July 28, 1995.
279 David Rohde, "Witness Finds Evidence of Serb Killing Fields," *The Guardian*, August 19, 1995.
280 Traynor, "Serbs' War-War Mocks West's Jaw-Jaw."
281 Ian Traynor, "Focus on Goražde Leaves Blurred Image," *The Guardian*, July 22, 1995.
282 "Call for War Crimes Tribunal Inquiry into 'Atrocities'," *Reuters*, *The Guardian*, July 22, 1995.
283 Black, "UN Envoy Condemns 'Barbaric' Serbs."
284 Julian Borger, "Guilt Is the Price of Surviving Zepa," *The Guardian,* July 28, 1995.

where the ground had been dug recently. . . . According to Bosnian Serb troops, all Muslims captured in the area are being summarily executed. One soldier, reporting to his commanding officers in the village of Nova Kasaba, 14 miles west of Srebrenica, said a group of more than 300 Muslims armed with only 50 guns are still hiding in the hills around Cerska, near Žepa. The soldier said his unit had captured seven of these Muslims last Saturday and killed two. "We're going back to catch the group tomorrow," he said. "We just talk to them and then shoot them." In a presentation of evidence of mass graves, the US ambassador to the UN, Madaleine Allbright, recently displayed spy plane and satellite photos of an area in Nova Kasaba to the UN Security Council. "Before" photos showed prisoners in a football field and undisturbed earth in an empty field half a mile away. "After" photos from a few days later showed no prisoners and three areas of disturbed earth in fields that resemble mass graves. When I reached the site this week, three areas of fresh digging were clearly visible. On the edge of the smallest of the three alleged mass graves, what appeared to be a human femur and tibia jutted from the earth. A hundred yards from one grave, handwritten notes from a March 14 local government meeting in the village of Potočari, inside Srebrenica, were found. Twenty feet from the same grave, a 1982 school diploma and what appeared to be photographs of a Muslim youth from the village of Kravice, also near Srebrenica, were found. Approximately a quarter of a mile from the three sites, Muslim prayer beads, clothing, and receipts and election ballots from Srebrenica were found. Two empty ammunition boxes, each with an apparent capacity of several hundred rounds, were seen near the three sites. A handful of shell casings was found across the street from one of the sites, but few on the graves themselves. About half a mile away, two piles of fresh earth had been dumped near a small stream. . . A second allegation of Bosnian Serb atrocities involves the village of Bratunac, 10 miles northwest of Srebrenica. In the first few days after the fall of Srebrenica, residents on the Serb side of the Drina river reported hearing gunfire coming from Bratunac. According to accounts, Serbs crossing into Bratunac at that time were told that Muslims were being executed in a local football stadium. In an abandoned building on the stadium grounds I saw piles of faeces on the floor. Several dozen bullet holes pocked the interior walls, and what appeared to be dried bloodstains dotted the floor and one wall.[285]

Julian Borger adds: The United Nations' outgoing human rights investigator, Tadeusz Mazowiecki, has found "significant direct and circumstantial evidence" of atrocities – including mass executions – by Bosnian Serb soldiers after they seized the Muslim enclave of Srebrenica in July. The report, published yesterday, cites testimony from survivors describing how Serbs gunned down hundreds and possibly thousands of Muslim men in fields and buried them in mass graves.[286]

- UN Dutch troop members testimonies:

Dutch troops saw Serbian soldiers murdering Muslims after conquering the United Nations "safe area" of Srebrenica, Dutch officials said yesterday in Zagreb. One Dutch soldier had seen a Muslim man taken aside and shot in the head with a rifle, Hans Couzy, the Dutch army commander in chief, said after speaking to troops who

285 Rohde, "Witness Finds Evidence of Serb Killing Fields."

286 Jonathan Freedland, "Clinton Names New Us Bosnia Team and Sets It to Work," *The Guardian,* August 24,

had returned to UN headquarters from Srebrenica. Two other soldiers had seen nine Muslim men taken to a building for interrogation and then heard gunfire. They later saw the corpses of the nine with bullet wounds in their backs. Two officers saw nine or 10 bodies lying in a house, and other soldiers witnessed Muslim men being severely kicked and mutilated. Another peacekeeper said he saw lorryloads of male corpses.[287]

The most detailed independent accounts of atrocities come from the Dutch UN peacekeepers who were in the enclave when it was overrun. The Dutch defence minister, Joris Voorhoeve, said they saw "terrible things, but what our soldiers saw does not account for the disappearance of thousands of people." Two Dutch soldiers saw nine Muslim men taken to a building for interrogation and then heard gunfire. They later found the corpses of the nine with bullet wounds in their backs. "We have heard an account of a Serb couple from Bratunac, and according to that couple 1,600 people were killed in a schoolyard," Mr Voorhoeve said. One report from the Serbian border last week said that as many as 4,000 captured Muslims had been killed. But Dutch soldiers could not confirm allegations that many Muslim women were raped by Serb soldiers after being removed from Serb-run expulsion convoys.[288]

Dutch peacekeeping troops evacuated from Srebrenica in eastern Bosnia said today that Bosnian Serb invaders executed at least 10 Muslim defenders and abducted between 150 and 300 men between the ages of 16 and 60.

Since the fall of Srebrenica, refugees who were shipped to the town of Tuzla last week have drawn a grisly picture of Bosnian Serbs raping women and massacring untold hundreds of Muslim men between the ages of 16 and 60.

But Lieut. Gen. Hans Couzy, the commander in chief of Dutch ground forces, said Dutch troops had witnessed no incidents of rape and were aware of only limited incidents that could be labeled war crimes.

In one incident, Bosnian Serb invaders had taken a Muslim man, placed him against a wall and shot him in the back of the head. In another, nine men had been executed in a house, shot in the back in the same room. . . . The accounts of the Dutch who arrived over the weekend, given during a series of interviews and news conferences, suggested that the killing they had seen had been more limited than refugees had described.[289]

- Serbian forces and leaders charging for war crimes:

The Bosnian Serbs are believed to be holding at least 4,000 men, and they agreed in principle today to give the Red Cross access to the prisoners, although they did not say when. United Nations officials here said that they knew of no effort yet to interview refugees by investigators from The Hague, where a tribunal has been established to prosecute war crimes in the former Yugoslavia.[290]

287 Traynor, "Dutch Troops Tell of Atrocities."
288 Black, "UN Envoy Condemns 'Barbaric' Serbs."
289 Stephen Kinzer, "Conflict in the Balkans: The Refugees; Bosnian Refugees' Accounts."
290 Alan Cowell, "Conflict in the Balkans: The Refugees; Peacekeepers at Fallen Enclave Confirm Some Atrocities but Say They Saw No Rapes," *The New York Times,* July 24, 1995.

> It is an opposite reminder in a week in which such gross crimes have been committed against Bosnian people by Serbian forces. It is underlined by the difficulties which the International Criminal Tribunal for former Yugoslavia – the first war crimes court since Nuremberg – faces in The Hague in prosecuting the criminals responsible for current atrocities.[291]

> How is it that Szyman Sevafinowicz appears in court to answer for war crimes allegedly committed in 1942 while our so-called leaders do nothing about Ratko Mladić's crimes against humanity?[292]

> Exactly reflecting the Government's treatment of aggressor and victim as equals, this is the doctrine of "moral equivalence", rejected by the UN Commission on War Crimes under Dr Cherif Boussani, not alone in blaming nationalist Serbs for most war crimes.[293]

> Radovan Karadžić, the Bosnian Serb leader who is being investigated for war crimes by the UN tribunal in the Hague, said the 40,000 Muslims of Srebrenica had left voluntarily.[294]

> The Dutch defence minister, Joris Voorhoeve, said yesterday that he believed grave war crimes had been committed in the UN-protected Muslim enclave of Srebrenica, which was overrun by Bosnian Serb forces 11 days ago. He told Dutch television from London, where he attended the international crisis meeting on Bosnia: "We know that very serious things happened in Srebrenica. We still do not have a complete picture but I fear that hundreds, if not thousands of people died. I believe that grave war crimes occurred."[295]

> The Bosnian Serb leaders, Radovan Karadžić and General Ratko Mladić, were charged yesterday with war crimes by an international tribunal on the eve of a meeting of the five-country contact group to consider a deal that would lift United Nations sanctions on Serbia in return for the recognition of Bosnia.[296]

It is interesting to note that the term "genocide" appeared in *The Guardian* 16 times. Of that, it was used nine times as a description of Serb actions in BiH and as an accusation against Serb leaders, and it was not used a description of Muslim/Bosniak actions even once. For example:

> What has happened in Srebrenica this week is no different from what happened in countless other Bosnian towns two and three years ago, except that in Srebrenica there has been a large element of United Nations complicity. It derives from the unchanging premeditated pursuit of Greater Serbia through genocide and terrorism of every sort.

291 "Justice without Time Limit," *The Guardian,* July 14, 1995.
292 "Letters to the Editor – Sharing the Shame and the Blame for Bosnia," *The Guardian*, July 14, 1995.
293 Ed Vulliamy, "For Whom Does the Bell Toll Now?" *The Guardian*, July 15, 1995.
294 Ian Traynor, Martin Walker and Ian Black, "Us Set to Lift Bosnia Arms Ban," *The Guardian,* July 17, 1995.
295 "Call for War Crimes Tribunal Inquiry into 'Atrocities'," *The Guardian,* July 22, 1995.
296 Ian Black and Martin Walker, "Serb Leaders Indicted for War Crimes," *The Guardian,* July 26, 1995.

> It was planned before the war began by President Milosevic and has been executed consistently by General Mladić.[297]

> In The Hague yesterday, the Bosnian Serb leader, Radovan Karadžić, and his military commander, Ratko Mladić, were among those indicted by the UN war crimes tribunal, charged with genocide and crimes against humanity.[298]

In the New York Times, the term "genocide" appeared six times in total during the same period, and each of those six times it was used to directly denote Serbs as perpetrators. For example:

> Senator Helms, North Carolina Republican and chairman of the Foreign Relations Committee, said the United States should treat the Bosnians "as freedom fighters engaged in a war for the liberation of their country."
>
> "We must help arm them and train them and help them defend themselves against Serbian genocide," he said.[299]

Having in mind that this database covers a large period, a significant number of visual contents are present.

There are several typical examples of this:

Above is a clipping from a *New York Times* article.[300]

297 "Letters to the Editor – Mujo and Sabra's Words Reveal Our Failure in Bosnia," *The Guardian,* July 15, 1995.

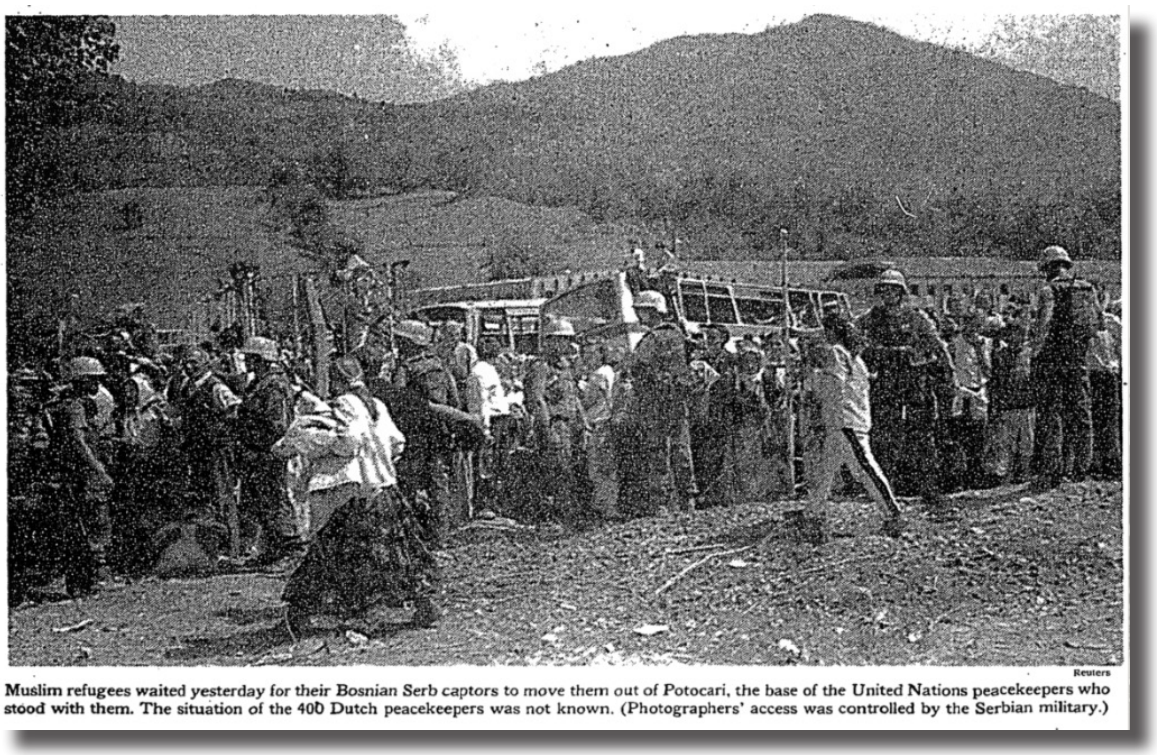
298 Martin Woollacott, "Serbs in Control of Deserted Zepa Town, Says U.N.," *The Guardian,* July 26, 1995.

299 Adam Clymer, "Dole-Helms Bill Asks $100 Million in Arms Aid for Bosnia," *The New York Times,* August 11, 1995.

300 Hedges, "Serb Forces Fight Dutch U.N. Troops," *The New York Times.*

As terrorized Muslims who had been forced out of the United Nations "safe area" at Srebrenica gathered in an emergency camp in Tuzla yesterday, the body of one of the refugees, a woman of about 20, was found in a grove of trees, where she had apparently hanged herself.

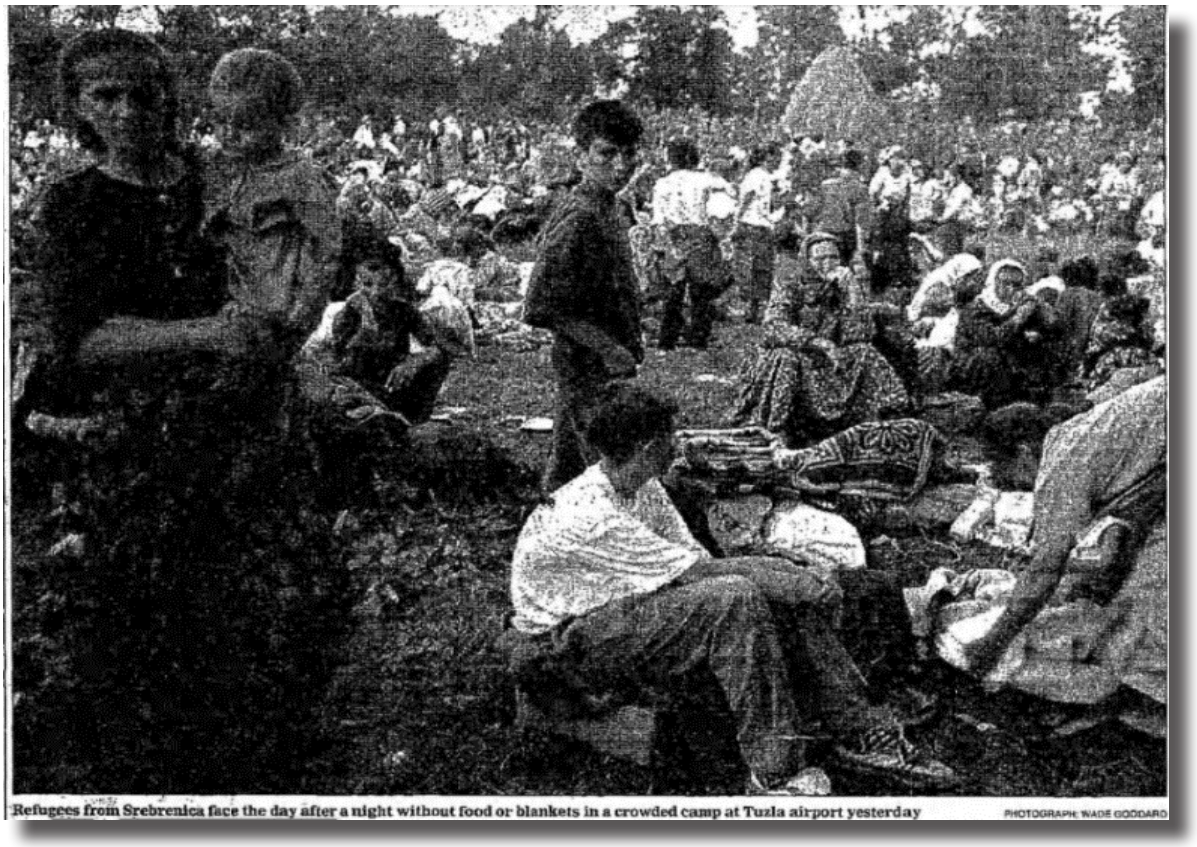
Above is a photograph from a *New York Times* article.[301]



Muslim refugees waited yesterday for their Bosnian Serb captors to move them out of Potocari, the base of the United Nations peacekeepers who stood with them. The situation of the 400 Dutch peacekeepers was not known. (Photographers' access was controlled by the Serbian military.)

Above is a photograph from a *New York Times* article.[302]

301 Kinzer, "Conflict in the Balkans: The Refugees; Terrorized Human Tide."
302 Hedges, "Conflict in the Balkans: The Overview; Serbs Start Moving Muslims."



Refugees from Srebrenica face the day after a night without food or blankets in a crowded camp at Tuzla airport yesterday PHOTOGRAPH: WADE GODDARD

Above is a photograph from *The Guardian*.[303]

Victor and vanquished . . . Ratko Mladic, the Bosnian Serb commander, speaks to Muslim refugees who fled from Srebrenica to the Dutch UN base at Potocari

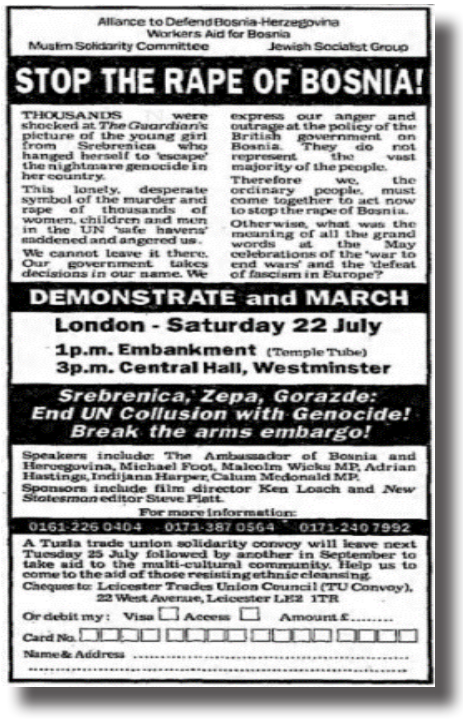
Above is a photograph from *The Guardian*.[304]

303 Julian Borger, "Lonely Death in a Crowded Cornfield," *The Guardian*, July 15, 1995.
304 Steele, "Refugees Face Food Crisis."

Letting down his defences . . . A Dutch UN soldier returned from Bosnia weeps on the shoulder of an officer after arriving at the Soesterberg airbase in the Netherlands. The Dutch peacekeepers, who were held hostage when the Bosnian Serbs overran Srebrenica last week, deny that their defence of the enclave was inept

PHOTOGRAPH: JERRY LAMPEN

Above is a photograph from *The Guardian*.[305]



Alliance to Defend Bosnia-Herzegovina
Workers Aid for Bosnia
Muslim Solidarity Committee — Jewish Socialist Group

STOP THE RAPE OF BOSNIA!

THOUSANDS were shocked at *The Guardian*'s picture of the young girl from Srebrenica who hanged herself to 'escape' the nightmare genocide in her country.

This lonely, desperate symbol of the murder and rape of thousands of women, children and men in the UN 'safe havens' saddened and angered us.

We cannot leave it there. Our government takes decisions *in* our name. We express our anger and outrage at the policy of the British government on Bosnia. They do not represent the vast majority of the people.

Therefore we, the ordinary people, must come together to act now to stop the rape of Bosnia.

Otherwise, what was the meaning of all the grand words at the May celebrations of the 'war to end wars' and the 'defeat of fascism in Europe?

DEMONSTRATE and MARCH

London - Saturday 22 July

1p.m. Embankment (Temple Tube)
3p.m. Central Hall, Westminster

Srebrenica, Zepa, Gorazde:
End UN Collusion with Genocide!
Break the arms embargo!

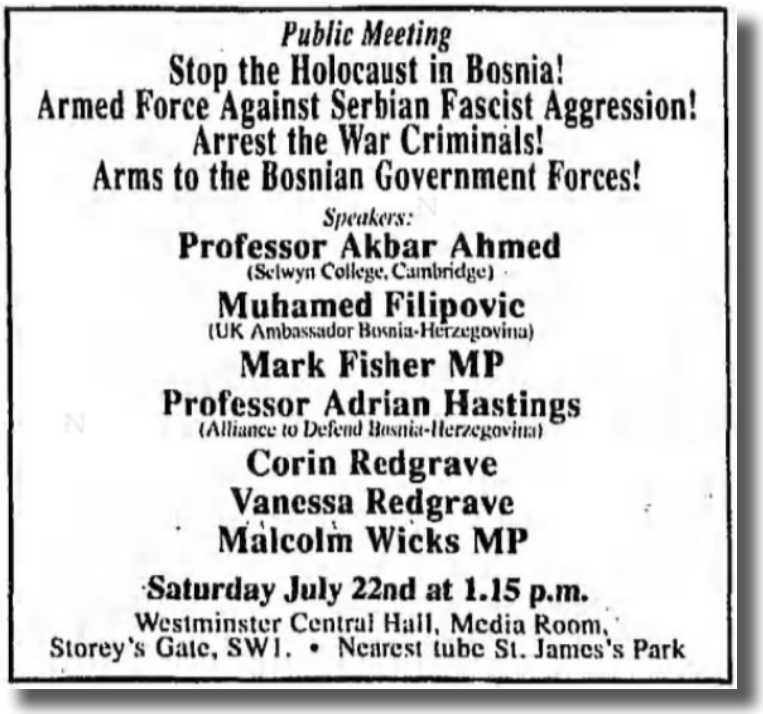
Speakers include: The Ambassador of Bosnia and Herzegovina, Michael Foot, Malcolm Wicks MP, Adrian Hastings, Indijana Harper, Calum Mcdonald MP.
Sponsors include film director Ken Loach and *New Statesman* editor Steve Platt.

For more information:
0161-226 0404 · 0171-387 0564 · 0171-240 7992

A Tuzla trade union solidarity convoy will leave next Tuesday 25 July followed by another in September to take aid to the multi-cultural community. Help us to come to the aid of those resisting ethnic cleansing.
Cheques to: Leicester Trades Union Council (TU Convoy), 22 West Avenue, Leicester LE2 1TB

Or debit my: Visa ☐ Access ☐ Amount £.....
Card No. ☐☐☐☐ ☐☐☐☐ ☐☐☐☐ ☐☐☐☐
Name & Address .....

305 John Palmer, "Dutch Tell EU of Rebel Atrocities," *The Guardian*, July 18, 1995.



Public Meeting
Stop the Holocaust in Bosnia!
Armed Force Against Serbian Fascist Aggression!
Arrest the War Criminals!
Arms to the Bosnian Government Forces!
Speakers:
Professor Akbar Ahmed
(Selwyn College, Cambridge)
Muhamed Filipovic
(UK Ambassador Bosnia-Herzegovina)
Mark Fisher MP
Professor Adrian Hastings
(Alliance to Defend Bosnia-Herzegovina)
Corin Redgrave
Vanessa Redgrave
Malcolm Wicks MP
Saturday July 22nd at 1.15 p.m.
Westminster Central Hall, Media Room,
Storey's Gate, SW1. • Nearest tube St. James's Park

Above are two clippings from *The Guardian*.[306]

3.2.3.2. Srebrenica: July and August 1995 - Conclusion

While analyzing articles published before and after the fall of Srebrenica, the researchers came to several conclusions. The image of the events in Srebrenica and its close surroundings is clear, detailed, and almost completely the same (both in as well as between the articles of the examined newspapers).

This image will be clearer if the topics are organized into several clusters.

The first cluster relates to the description of Srebrenica before the fall, with an emphasis on the difficult situation in this UN safe area (blockades of humanitarian convoys by Serb units), the large number of civilians who had earlier arrived in Srebrenica fleeing from the VRS, and the importance of Srebrenica for Serbs' strategic plans. A common "thread" that connects specific topics throughout this cluster is a black-and-white representation of the conflicting sides. On the one hand, there are Muslim civilians already exhausted by their refugee situation and food shortages. On the other, there are Serb units ready to finally occupy Srebrenica and its surroundings so as to gain complete control of the Drina River valley. A very picturesque argument for the researchers' described assumption is the fact that Muslim forces were only once mentioned as the initiators of action against Serbs. This is, also, the only depiction of the Serb side being attacked:

306 "[Announcement of a public meeting and a call to march against the situation in Srebrenica, Žepa, and Goražde]". *The Guardian*, July 20, 1995.

> Ten days earlier the Serbs had signalled that the onslaught was imminent, issuing strident propaganda about "terrorist cells" in Srebrenica. The Bosnian Serb high command organised visits for foreign journalists to the nearby village of Visnjica, which had just come under Muslim attack. The villages under Bosnian Serb control are poorly defended. By taking Srebrenica, they would neutralise the Muslim threat, free manpower and remove an obstacle to their longstanding aim to enjoy full control of eastern Bosnia. The Visnjica raid looked like an attempt by the Muslims to sully Serb enjoyment of a symbolic day in their calendar, St Vitus's Day on June 28.[307]

Moreover, Muslim forces were mentioned as attackers of the Dutch UN members on just two occasions, and even that was done in the context of Serb attacks, with Muslim attacks being interpreted as results of frustration due to UN failure to preserve Srebrenica:

> The nightmare for the Dutch force of 400 in the pocket was compounded by hostility from Bosnian government forces fighting to defend it yesterday. After killing a Dutch soldier at the weekend, government forces put the Dutch armoured cars under grenade attack yesterday. "The driver was rattled and the APC (armoured personnel carrier) slipped down a hillside. The recovery APC coming out to rescue the vehicle then had an anti-tank missile fired at it, which missed," said Major Toby Bridge, a UN spokesman. The Bosnian forces appear to be wary that the UN might abandon Srebrenica.[308]

The second cluster relates to the final Serb units' attack, which is interpreted as a deliberate violation of UN resolutions, endangering members of the UN forces, and using all means to win. Descriptions of Serbian progress and attacks on Dutch UN peacekeepers dominate this cluster. The basic conclusion that can be drawn from the various topics is the ease with which the Bosniak forces were defeated (topics relating to the UN defensibility of Srebrenica and the description of the Muslim forces that broke through are an additional argument). Therefore, it turns out, that the first two clusters can be seen as *two sides of the same coin* – while the first cluster emphasizes the civilian structure of Srebrenica, the second one indicates the inexistence of any serious difficulty for the Serb units.

The third cluster relates to the immediate fall of Srebrenica. Descriptions of civilian deportation and the humanitarian disaster they are going through, as well as the threat to neighboring Žepa, dominate this cluster. Building on the previous one, the fourth cluster relates to the descriptions of alleged crimes committed by Serb forces in and around Srebrenica, presented vividly and in detail. In addition to the descriptions, topics related to the evidence of the extent of the crime also dominate this cluster. The only disparate information of the entire narrative structure – the testimonies of Dutch UN peacekeepers – was very quickly annulled, virtually throughout those same texts in which it was stated:

307 Traynor, "Third time unlucky for unsafe area."
308 Traynor and Borger, "Serbs defy UN air raid threat."

> The Dutch officers acknowledged, however, that, with the Bosnian Serbs restricting their movements and stealing their vehicles, they may have gleaned only a limited picture of what really happened.
>
> "We don't know what happened where we didn't have eyes and ears," said the Dutch Defense Minister, Joris Voorhoeve. . . . But the Dutch Defense Minister, who came to Zagreb to accompany the 310 Dutch soldiers home, insisted that the officers' version did not minimize the possibility that atrocities had been committed.
>
> "If only two-thirds of the refugee accounts are true, this adds up to horrible events," Mr. Voorhoeve told reporters.
>
> "What we do know is that several thousand men and boys are missing" since the city fell, he said.[309]

The four described clusters have a common goal – portraying the Serb occupation of Srebrenica as an unnecessary, disproportionate, and violent act. In other words, the belief that they all convey is that there is no justification for Serb actions. In this regard, the fifth cluster relates to themes that reinforce that conclusion. These include condemnations of the UN role (for allowing something like this to happen), threats by foreign officials targeting the Serb side, and accusations of war crimes, creating the context that the fall of Srebrenica was as (another) example of ethnic cleansing. According to the researchers, two themes have a particularly strong effect – short and frequent reminders of the disappearance of thousands of people after the fall of Srebrenica (the absence of the final figure is interpreted as a consequence of the general "commotion") with the constant portrayal of Srebrenica as a massacre, pogrom, war crime and the like.

3.2.3.3. Srebrenica: April and May, 1993

The database of articles published during July and August, 1995, has allowed us to locate and analyze parts of texts which make up an important part of the reporting on the demilitarization of Srebrenica and the United Nations Security Council's Resolution 819.

Very robust themes were selected through qualitative analysis, and some of them are:

- The creation of the United Nations safe areas:

> In a draft report, the group recommended considering civilian "safe havens" protected by international forces and stronger military action to insure the delivery of aid and to silence the heavy artillery Serbian forces have used to shell besieged cities.[310]

309 Alan Cowell, "Conflict in the Balkans: The Refugees; Peacekeepers at Fallen Enclave Confirm Some Atrocities."

310 Michael Gordon and Stephan Engelberg, "Experts Urge US to Intervene in Bosnia," *The Guardian,* April 12, 1993.

The Security Council voted 15-0 tonight to declare the besieged Muslim town of Srebrenica in Eastern Bosnia a United Nations "safe area." It also agreed to send peacekeeping troops to protect the town and demanded that the encircling Serbian forces pull back.

But it was unclear whether the plan would prove more effective than other efforts by the United Nations to help Muslim civilians during the yearlong Bosnian civil war.

This is the first time the Security Council has declared such a safe area in a country torn by civil strife, although the United States and its allies have created a safe haven for the Kurds in northern Iraq on their own authority, banning the Iraqi army from entering under threat of attack. . . . The Security Council demanded that all parties in the Bosnian war "treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act."[311]

- The importance of the United Nations (UN) safe areas for defusing the situation in Bosnia and Herzegovina (BiH):

Other United Nations military officers offered accounts of developments in Srebrenica that presented the situation not as a potential disaster for the vastly outgunned United Nations force and for tens of thousands of Muslim civilians in the town, but as a step toward ending the war. General Morillon told a news conference in Sarajevo, the Bosnian capital, that the United Nations operation in Srebrenica could be duplicated elsewhere, laying the basis for implementation of an international peace plan.

Trying to Defuse Tensions

"We will start implementing the demilitarization we have achieved in Srebrenica across the whole of Bosnia and Herzegovina," he said.

While the United Nations command tried to defuse the tensions at Srebrenica, United Nations commanders in an area of central Bosnia north and west of Sarajevo continued efforts to halt the savage fighting between Croats and Muslims over the last week.[312]

United Nations officials said tonight that the commander of the Bosnian Government Army had agreed to a cease-fire around the besieged city of Srebrenica and other steps intended to turn the town into a "safe area" to avert a battle to the finish with the town's Serbian attackers.

Though the accord was reached in response to a demand by the United Nations Security Council on Friday, it involves the disarming of the devastated city's Muslim defenders and allows for an exodus, goals long sought by Serbian nationalist forces.

The agreement followed four hours of talks at Sarajevo airport between Maj. Sefer Halilovic, the commander of the Bosnian Government Army, and General Ratko Mladić, commander of the Serbian nationalist forces that are battling to dismember Bosnia. It was their first meeting since the war broke out a year ago.

5,000 Killed in Siege

311 Paul Lewis, "U.N. Agrees to Declare Bosnian Town a Safe Haven," *The New York Times,* April 17, 1993.
312 John F. Burns, "Standoff for Muslim Enclave in Bosnia," *The New York Times*, April 23, 1993.

After a meeting with the opposing commanders in a converted freight building at the airport, the two top United Nations generals in the former Yugoslavia, Lieut. Gen. Lars-Eric Wahlgren of Sweden and Lieut. Gen. Philippe Morillon of France, sent a United Nations official to tell reporters that they had reached an "agreement in principle" to prevent further carnage in Srebrenica and surrounding Muslim villages in eastern Bosnia.[313]

They presented it as a way to stop Srebrenica from falling to the Serbs and to prevent the wholesale evacuation of the roughly 60,000 Muslims trapped there. A Serbian victory there would become one of the largest acts of "ethnic cleansing" in the war.[314]

- The initiative for the creation of new UN safe areas:

"I will tell President Izetbegovic this is a matter of life and death, and that what we did in Srebrenica has to be done now in Žepa and Goražde," General Morillon said before the talks began. "I saved Srebrenica and I will save Žepa, too."

A similar agreement mediated by the United Nations recently prevented Srebrenica from being overrun by Bosnian Serbs and allowed the evacuation of many of the sick and wounded there. Critics said that accord amounted to a surrender because it left Srebrenica with only a small buffer force of Canadian peacekeepers.

No observers in Žepa

Because there are no independent observers in Žepa, even United Nations officials do not know how bad conditions there have become. A radio broadcast from Sarajevo quoted leaders in Žepa as appealing to General Morillon to understand that Saturday "is certainly our last day, unless you come and save us."[315]

In New York yesterday, a UN Security Council mission just back from Bosnia proposed that the besieged capital Sarajevo and the Muslim towns of Tuzla, Goražde and Žepa be designated UN safe areas.[316]

- Canadian soldiers entering Srebrenica:

With Srebrenica's survival at stake and frustrated by weeks of Serbian refusal to allow the UN to establish a military presence in one of the last non-Serb pockets in eastern Bosnia. General Philippe Morillon, the French officer in charge of the UN troops in Bosnia, was heading for the town last night accompanied by four armoured vehicles, the UN spokeswoman, Elizabeth Baldwin, said. A Canadian force of 150 men is to join him today in the attempt to reach Srebrenica and in the hope of shielding the estimated 60.000 desperate Muslim inhabitants from a Serbian offensive aimed at driving them out and seizing the town.[317]

313 John F. Burns, "Cease-Fire in Battered Muslim Town Seals a Key Victory for Serb Forces," *The New York Times*, April 18, 1993.

314 Lewis, "U.N. Agrees to Declare Bosnian Town a Safe Haven."

315 Stephen Kinzer, "Conflict in the Balkans; Muslims and Serbs Back Bosnia Truce," *The New York Times*, May 9, 1993.

316 Foreign staff, "World Pressure Gets to Rebel Serbs At Last," *The Guardian,* April 30, 1993.

317 David Fairhall and Ian Traynor, "British Jets Will Not Police Bosnia Air Ban," *The Guardian*, April 8, 1993.

A contingent of 135 United Nations soldiers from Canada entered the Muslim enclave of Srebrenica today to set up a "safe area" under an accord signed before dawn by leaders of Bosnian Serbs and Muslims.

In addition to the "safe area," the accord included an immediate cease-fire and a 72-hour deadline for United Nations troops to disarm the Government garrison in the eastern Bosnian city.

"Yesterday, we have saved the city," Lieut. Gen. Philippe Morillon of France, the United Nations commander in Bosnia, said at a news conference here.[318]

- Consequences for the Serb side if an attack on Srebrenica occurs:

"An attack on Srebrenica tomorrow would be an attack on the whole world, it's clear," he said.

Within the command, several senior officers disagreed with General Morillon's assessment, one pointing to what he called "a basic contradiction" between the eventual occupation of Srebrenica by Serbian forces and the peace plan put forward by negotiators for the United Nations and the European Community.

That plan, accepted by the Bosnian Government and the Croatian nationalists in Bosnia but rejected by Serbian nationalist leaders, designates Srebrenica as part of a future province that would be Muslim-controlled.

"Srebrenica was a symbol," Gen. Morillon said of the peace plan. "If a tragedy had happened there, everybody knew that the entire peace process would have been jeopardized. Now that peace has been established in Srebrenica, we can all hope that the peace process can go forward very rapidly, and we will not face any new crises."[319]

At the weekend, the Bosnian Serbs rejected the new map of Bosnia drafted by the international mediators, Cyrus Vance and Lord Owen, and accepted eagerly by Bosnia's Croats and reluctantly by the Muslims. The Serbian intransigence signalled their determination to establish a Serbian mini-state — including Srebrenica — in more than half of Bosnia. Under the Vance-Owen peace plan which is backed by all the big international players except the US, Srebrenica and much of eastern Bosnia is to go to the Muslims. Critics of the Vance-Owen plan say it caves in to Serbian and Croatian war aims by tacitly acknowledging Bosnia's carve-up along ethnic lines. The plan's credibility, already low, could suffer a terminal blow if the Serbs take Srebrenica.[320]

The Ministry of Defence has promised the Canadian government that if its troops in Srebrenica are attacked. British forces serving with the UN as well as air forces based in Italy and in the Adriatic will be used against the Serbs.[321]

318 John F. Burns, "Struggle in the Balkans; U.N. Says Enclave Is 'Saved'; Bosnians Call It 'Surrender'," *The New York Times* April 19, 1993.

319 Ibid.

320 Ian Traynor and John Palmer, "UN Plans Bosnia Rescue," *The Guardian,* April 6, 1993.

321 Yigal Chazan, Ian Traynor and John Palmer, "Bosnian Serbs Set to Defy UN Sanctions," *The Guardian*, July 26, 1993.

- Difficult living conditions in Srebrenica:

An estimated 50,000 people, many of them fugitives from Serbian "ethnic cleansing" elsewhere in the region, are languishing in some of the worst squalor of the year-old Bosnian war in Srebrenica, which has been besieged by Serbian forces since last May. The overwhelming majority are at their wits' end and desperate to leave, which would have the effect of ceding the town to the Serbs, who have been pressing home their campaign to seize control of the territory.[322]

After weeks of being denied access by Serbian roadblocks, shelling, and threats, the UN managed to get two aid convoys into Srebrenica this week, the first this year in a town where some 50.000 people are at their wits' end after 11 months of siege. Until recently, up to 30 people a day were reportedly dying of starvation in the town.[323]

Facing starvation, the people of Srebrenica have been reduced to an animal-like struggle for survival. Cut off from virtually all aid for almost a year, Srebrenica's hungry say they have long risked death for food. They have walked into enemy fire or fields full of landmines. Now, they scramble for meals dropped by United States planes, fighting and even killing for the precious packages. In a year of war, local authorities say 2,000 people have been killed in fighting and another 500 have died of hunger. In the morass of mud and begging refugees that fill Srebrenica's streets today, it is impossible to verify such figures. Every day, new arrivals stream into a town already packed as tight as a new box of matches. Thirty thousand refugees huddle in the town of 9,000, thousands more in outlying areas closer to Serb lines.[324]

The Venezuelan ambassador, Diego Arria, who led the six-member delegation, said that conditions in Srebrenica remained abysmal. "An indication of the prevailing conditions of the city is that the mutilated remains of ... children who were playing soccer, when killed, are still scattered in the area," he said.[325]

As United Nations agencies prepared to turn five more Muslim enclaves into "safe areas", aid officials reported that conditions in the only safe area currently operating - Srebrenica - are degenerating swiftly into lawless violence setting a grim precedent for the other proposed secure zones. Young girls of 12 and 13 are prostituting themselves for a cigarette in Srebrenica, aid officials said. Violence, theft and black marketeering are rife.[326]

- "Golgotha" experienced by the civilians during the evacuation:

322 Ian Traynor, "UN Halts Aid Convoys as Bosnians Die in Crush," *The Guardian*, April 1, 1993.
323 Ian Traynor, "UN Protests as Serbs Ban Aid to Besieged Town," *The Guardian,* April 2, 1993.
324 Haris Nezirovic, "'Hamid's Hair and Clothes are Covered With Lice and He May Have Typhus. Spring Will Bring Still More Infection'," *The Guardian*, April 8, 1993.
325 Foreign Staff, "World Pressure Gets to Rebel Serbs."
326 Ian Traynor, "'Minimalist' Bosnia Strategy Under Fire," *The Guardian*, May 25, 1993.

Five children and two women were crushed to death yesterday when thousands of desperate Muslims stormed United Nations lorries to escape starvation and siege in the east Bosnian town of Srebrenica. As on Monday, when six desperate refugees lost their lives in a similar evacuation, around 2,000 women, children, and elderly refugees crammed aboard 14 UN lorries taking them through the Serbian siege lines to the relative refuge of Tuzla to the north-west. One young girl saw her cousin suffocate to death. "When we left the people were pushing and someone fell on her and then more people fell on her." she said. "She couldn't get up because there was so many people, and after an hour she died." The mayhem of the evacuation was such that the UN High Commissioner for Refugees last night shelved further plans to run aid convoys to Srebrenica until a bigger UN presence could be established in the town to organise the relief effort. . . . "It was general mayhem, thousands of people clamouring to get on board," said Elizabeth Baldwin, spokeswoman for the UN in former Yugoslavia, Many of the women and children on the trucks had no shoes and some were in tears. Serb soldiers by the roadside threw them snowballs to give them something to drink.[327]

Wounded refugees from Srebrenica screamed in agony as they were carried to safety from giant white United Nations helicopters, the cries of the bandaged, mutilated victims drowned by engines and rotor blades. Women, men and children clutching a pathetic handful of possessions were rescued by British and French UN helicopters from the hell of a year-long siege. The Muslim-defended eastern Bosnian town has been declared a "safe area" by the UN from advancing rebel Serb forces. UN helicopters evacuated 354 seriously wounded people from Srebrenica yesterday, completing a humanitarian airlift linked to the ceasefire agreement. "We have completed the air evacuation of people initially identified as seriously wounded or ill under terms of the agreement," a UN Protection Force (UNPROFOR) spokesman said. Some of the victims had heavily bandaged stumps after amputations. Others winced in pain with every movement as they were taken off the helicopters on stretchers and rushed to hospital for emergency treatment. Some had infections after makeshift operations, sometimes without anesthetic, UN officials said. Some clutched a few spare clothes as they were taken away on stretchers or mattresses by UN peacekeeping troops and doctors.[328]

- Portraying the disarmament of the Muslims as a complete loss of security:

Diplomats also complained that the Sarajevo agreement provided for the United Nations to "demilitarize" Srebrenica, which appears to mean that it will help disarm the town's Muslim defenders without disarming the aggressors who surround them.[329]

United Nations officials said Srebrenica's defenders have not surrendered any weapons to the approximately 130 Canadian troops serving in the United Nations force in Srebrenica. Srebrenica's Muslims have until Tuesday to hand over their weapons.

"They haven't demilitarized at all," Mr. McMillan said.

327 Traynor, "UN Halts Aid Convoys."

328 Laura Pitter, "Wounded Refugees Flown From Hell," *The Guardian*, April 20, 1993.

329 Paul Lewis, "Struggle in the Balkans; U.N., With Abstention by Russia, Tightens Its Sanctions on Belgrade," *The New York Times,* April 18, 1993.

"They are not willing to give in their shield as of yet," a Western diplomat said. "I can't see them turning in their weapons until they see some way out."[330]

Commander Frewer said: "The Serbian commanders are under the belief that there are still Muslim fighters in the area with weapons, that the demilitarized zone has not been completed to their satisfaction."

In daily military briefings here, United Nations officers have continued to insist that Srebrenica itself has been "demilitarized." But General Morillon has acknowledged that all the weapons handed over would have barely filled one railroad shipping container.

Many of the Muslim fighters appear to have moved to the surrounding hills or slipped through Serbian lines to Žepa, another besieged Muslim enclave about 30 miles south. The United Nations command has said this does not conflict with the United Nations accord, since the accord stipulated only that all Muslim fighters "inside Srebrenica" be disarmed.[331]

A senior Bosnian officer who attended the negotiations said the pact had been signed not because Bosnian commanders thought that it would save Srebrenica, but because it offered a hope of averting a massacre of Muslims when the Bosnian defenses were overrun, which the officer said had become inevitable.

"We're not fooling ourselves," he said. "This is a surrender, because nobody will want to stay in Srebrenica after our forces are disarmed".

"If the United Nations wants to pretend that putting one company of Canadian soldiers in there will persuade the Serbian forces that Srebrenica is lost to them, O.K., let them pretend. But we've seen too much of Serbian aggression to delude ourselves into thinking that they've given up on the 'ethnic cleansing' of Eastern Bosnia. They haven't."[332]

And the plan to disarm Muslim troops in Srebrenica leaves the town's inhabitants at the mercy of the Serbs.

Earlier in Paris, Foreign Minister Alain Juppé had demanded that the Security Council action cut Yugoslavia off from the rest of the world "at the earliest possible moment," adding that the fall of Srebrenica can come from one moment to the next. It is truly a turning point in this drama.[333]

- Defining the evacuation of the Muslim population as an act of "ethnic cleansing":

Bosnian Army commanders halted overland evacuations of thousands of Muslims from Srebrenica today, but for the second day running, British and French helicopters airlifted the wounded and sick from the eastern Bosnia enclave.

330 Chuck Sudetic, "U.N. Fliers Remove Trapped Bosnians," *The New York Times*, April 20, 1993.
331 John F. Burns, "Tense U.N. Forces Hold Fast as Serbs Demand They Quit Enclave," *The New York Times*, April 27, 1993.
332 Burns, "Struggle in the Balkans; U.N. Says Enclave Is 'Saved'."
333 Lewis, "Struggle in the Balkans; U.N., With Abstention by Russia, Tightens Its Sanctions on Belgrade."

Women, children, the elderly and the wounded are being moved to Tuzla, which is still held by Muslims. But its leaders, who have said for weeks that they had room to provide emergency housing for all of Srebrenica's refugees and residents, said today that they do not have enough room after all. Supplies are low and health risks are rampant in eastern Bosnia, officials said.

Srebrenica was made a United Nations protected area to stop Serbian forces from overrunning it.

"If Srebrenica really is a United Nations protected area, then the people there should be able to remain," said Mehmed Suljikanovic, spokesman for the Bosnian Army's II Corps, which is based here. "There will be no evacuation of civilians by truck. That would be ethnic cleansing and make the situation here terrible. It would bring another 20,000 to 30,000 refugees."[334]

Yesterday's convoy was held up for several hours by angry Muslim forces on the frontline east of Tuzla, because they see the UN evacuations as collusion with the Serbian campaign.[335]

He said that the Serbian siege and UN evacuation of Srebrenica in eastern Bosnia would "live in people's minds down history as a point of supreme horror and terror".[336]

A UN relief convoy also reached Srebrenica yesterday, but the town's Muslim authorities prevented any refugees being evacuated on the lorries. Lyndall Sachs, the UNHCR spokeswoman in Belgrade, said the nine-lorry convoy would comply with the authorities' decision. The Muslim authorities did not say why they had decided not to let any of the estimated 30,000 refugees trapped in the town to leave. They have blocked several convoys this month because of fears that Srebrenica would fall if its population dwindled.[337]

- Moves of the Serb side as the reason for the deterioration of the situation:

But after besieging and shelling the town and then blocking UN access for weeks, the Serbs only allowed relief convoys in on condition that they travelled without military escort — in breach of UN Security Council resolutions on the relief effort — and that General Philippe Morillon, the UN commander in Srebrenica, left the town.[338]

But Dr Karadžić said his forces would continue to occupy the villages surrounding Srebrenica, even if they promised not to enter the town.[339]

Bosnian Serb forces marked the West's first military intervention in former Yugoslavia yesterday by killing and maiming scores of civilians in concerted barrages of

334 Sudetic, "U.N. Fliers Remove Trapped Bosnians."
335 Traynor, "UN Halts Aid Convoys as Bosnians Die in Crush."
336 Ian Black, "Britain Opposes Intervention," *The Guardian,* April 7, 1993.
337 Pitter, "Wounded Refugees Flown From Hell."
338 Traynor, "UN Halts Aid Convoys as Bosnians Die in Crush."
339 Lewis, "Struggle in the Balkans; U.N., With Abstention by Russia, Tightens Its Sanctions on Belgrade."

shellfire on Bosnia's remaining Muslim strongholds. The worst attack in months on the besieged enclave of Srebrenica in eastern Bosnia left more than 120 people dead or wounded, United Nations officials said. . . . In Srebrenica, at least 56 people were killed and 73 wounded in a fierce bombardment of the town centre. The dead included 15 children, a UN official in Sarajevo said. It was the worst onslaught on the town since the UN command in Bosnia mounted a concerted campaign more than a month ago to secure the safety of the enclave.[340]

When United Nations officers pleaded last week to be allowed to station troops in the east Bosnian town of Srebrenica, they received a characteristically brusque reply from the most powerful and feared man in Bosnia. "Over my dead body," said General Ratko Mladić, the former Yugoslav army officer, greater Serbian nationalist and Bosnian Serb military chief. General Mladić again brushed aside UN requests on Monday. "It's too late," he said tersely. Too late for the UN or too late for Srebrenica? A couple of hours later, General Mladić's men opened up with one of the heaviest poundings inflicted on Srebrenica since they laid siege to the Muslim enclave last May. An hour of indiscriminate shelling left at least 56 civilians, many of them children, dead and dozens more wounded. The UN did not want to enter Srebrenica when Serbs were being killed, the general stated, so it had no right to go in.[341]

- Ethnic cleansing as the Serbs' intrinsic goal:

Among the indications that Serbian commanders have not abandoned plans to gain control of the town were a continuing barrage of Srebrenica as the talks opened today in Sarajevo, the Bosnian capital. United Nations officials said the small peacekeeping contingent in Srebrenica had reported "heavy shelling" around lunchtime that resulted in casualties, including the deaths of several civilians struck in areas near the city center.

One embittered United Nations official said the accord appeared to set the stage for what he called "another chapter of ethnic cleansing," the Serbian nationalist tactic of attacking Muslim and Croatian enclaves and killing or driving out their residents to create exclusive Serbian domains.[342]

"This isn't the answer," said a United Nations military official who insisted on remaining anonymous. He called the two-month United Nations effort to negotiate a halt to the Serbian onslaught against Srebrenica an embarrassing failure. "The Serbs knew the outside world would mount no credible military threat, and they went right on," he added.[343]

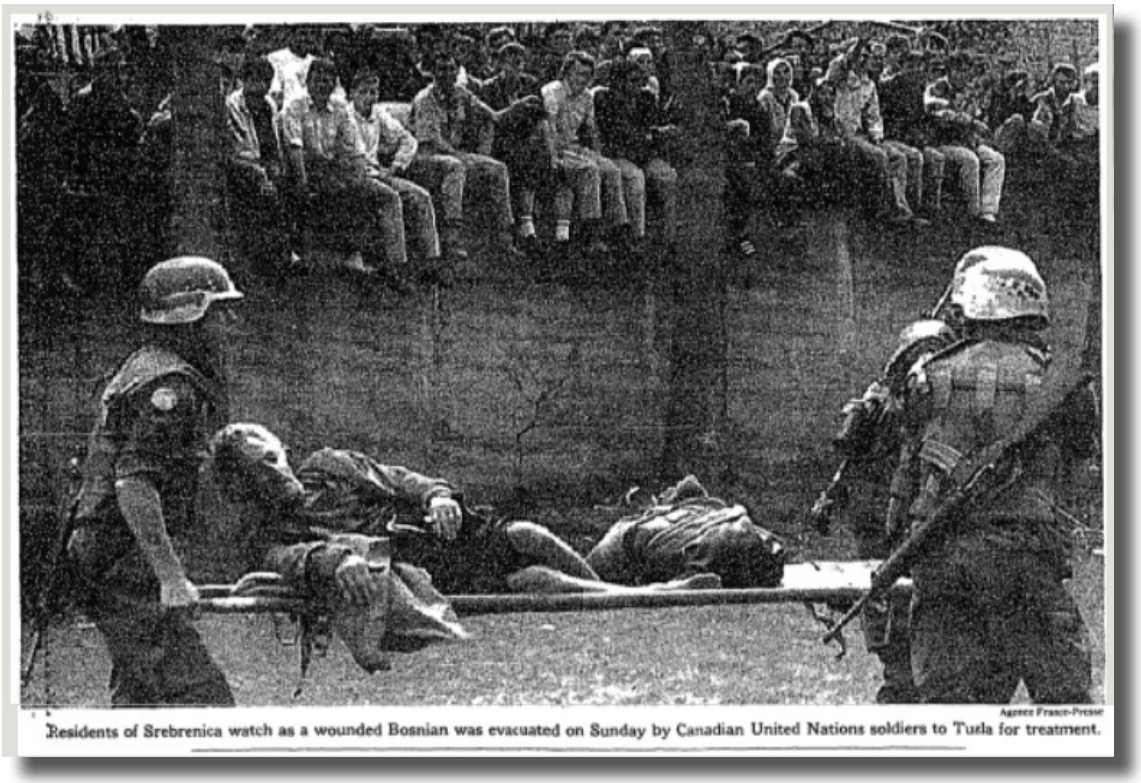
The hardline military commander of the Bosnian Serbs has barred the United Nations from taking any more food and medical aid to tens of thousands of sick and hungry Muslims under siege in Srebrenica, in eastern Bosnia, according to international relief

340 Ian Traynor, "Serbs Step Up Barrage in Bosnia," *The Guardian,* April 13, 1993.
341 Ian Traynor, "Ruthless War-Baby Leads Serbian Fight," *The Guardian,* April 14, 1993.
342 Burns, "Cease-Fire in Battered Muslim Town Seals a Key Victory for Serb Forces."
343 Burns, "Struggle in the Balkans; U.N. Says Enclave Is 'Saved'; Bosnians Call It 'Surrender'".

> officials. General Ratko Mladić told officials of the United Nations High Commissioner for Refugees yesterday in Belgrade that only empty UN lorries could travel to the embattled town, to take out the thousands of Muslims who are desperate to flee. The aid ban is seen as a transparent attempt by the Bosnian Serbs to have the UN "cleanse" Srebrenica of non-Serbs, as part of their campaign to seize the last few remaining non-Serb pockets in eastern Bosnia.[344]
>
> Serbian forces continued their campaign of starving the last Muslims out of eastern Bosnia by preventing the United Nations relief agency from taking aid to the besieged Muslim settlement of Srebrenica.[345]
>
> The UN Security Council, the US and other Western countries have denounced the Serbian "starve and shell" tactics, but there is little to suggest the Serbs have been dissuaded from their view that they can take Srebrenica with impunity.[346]

Visual content accompanied these articles that dealt with the events in Srebrenica and its surrounding areas.

Below are a few examples:


Agence France-Presse
Residents of Srebrenica watch as a wounded Bosnian was evacuated on Sunday by Canadian United Nations soldiers to Tuzla for treatment.

Above is a photograph from a *New York Times* article.[347]

344 Traynor, "UN Protests as Serbs Ban Aid to Besieged Town."
345 Ian Traynor, "Serbian Leaders Reject Peace Plan" *The Guardian,* April 3, 1993.
346 Traynor and Palmer, "UN Plans Bosnia Rescue."
347 Burns, "Tense U.N. Forces Hold Fast."

Above is a photograph from a *New York Times* article.[348]

3.2.3.4. Srebrenica: April and May, 1993 - Conclusion

Despite the great variety of newspaper articles, researchers have relatively clearly observed many core axes around which the narrative of Srebrenica and its surroundings is structured. More specifically, reporting on the future UN safe areas was based on relations between the three main actors: the Muslim side, the Serbian side, and the UN. Again, *The New York Times* and *The Guardian* are very similar when it comes to describing each of the three parties.

The UN's moves are clear, responsible, and (usually) timely – the "safe area" was treated as a turning point in the conflict (the key to stabilizing the situation in BiH), while foreign and international leaders were united in their threats (directed at the Serb side) if the safe areas were jeopardized.

On the other hand, Muslims were described as the desperate party. Descriptions of the Muslim civilians' sufferings were dominant: the situation was devastating both in Srebrenica and in the columns of evacuees. The seemingly contradictory topics related to the refusal of an extensive evacuation of civilians and the disarmament of Muslim forces were constantly being incorporated into the general picture through insisting on the presence of an existential threat to the population, but also to Srebrenica – the Serb forces.

The Serb side was described simply and (consistently) in a negative context – Serb civilians and victims were practically not even mentioned; the Serb side was the military

348 Burns, "Struggle in the Balkans; U.N. Says Enclave Is 'Saved'".

side, the attacking side. In other words, Serb forces were almost exclusively described as aggressors – their actions led to the deterioration of the situation on the ground, as their only goal was ethnic cleansing.

For example, only four articles in *The Guardian* mentioned the Muslim side as the attacker (of which only one article dealt with the sufferings of Serb civilians at the hand of Muslim forces):

> Mr. Yastrzhembsky added that Moscow believed pressure for a resumption of broad military operations was coming from Muslim units in particular. The ministry had information that the Serbs had "fulfilled all their obligations" regarding the evacuation from Srebrenica but that "Muslim commanders have interfered." [349]

> Civilians would follow Bosnian soldiers attacking Serb villages, to scavenge food. Some died in the attempt.[350]

> Bosnian Muslims accused Serb forces of launching a dawn tank and artillery assault on the besieged Muslim enclave of Žepa yesterday and called for urgent United Nations action on the eve of today's crucial vote by the Bosnian Serbs on the Vance-Owen peace plan. The Serbs quickly denied the charge, saying they were simply responding to attacks by Muslims.[351]

> Towards the end of the summer, Srebrenica's military commanders changed their tactics, mounting a series of lightning counter-offensives. They drove the Serbs back as far as the Drina river, which forms the border between Serbia and Bosnia. Dozens of Serb villages were burned to the ground and many of their inhabitants slaughtered by the Muslims. . . . But only days after the first food consignments arrived in Srebrenica, its Muslim forces launched another devastating offensive, in which Bosnian Serb border villages were again a target. In one raid, Serbs claimed that as many as 60 civilians were massacred.[352]

Examples of quasi-psychological explanations of behavior enriched the image of the Serbs as a party that was not capable of compromising, that is, giving up on the war:

> The United Nations official said that some of the Serbian commanders even seemed eager for a showdown over Srebrenica and seemed undeterred by warnings that a renewed attack on the town might provoke Western military intervention.
>
> "There's a real millennial mood among the Serbs," the official said. "They say that the world is preparing to crucify them, and that they are ready for it, that they will go down fighting."

349 Jonathan Steele, "Muslims Accused of Breaking Truce" *The Guardian,* April 7, 1993.
350 ezirovic, "Hamid's Hair and Clothes are Covered with Lice."
351 Ian Black and Mark Tran, "Fighting on Eve of Serb Vote," *The Guardian*, May 5, 1993.
352 Yigal Chazan and Haris Nezirovic, "Enclave That Finally Ran Out of Luck," *The Guardian,* April 17, 1993.

> Referring to a battle in 1389, when the defeat of a medieval Serbian kingdom by Ottoman Turks set the seal on 500 years of Turkish rule in the Balkans, the official added: "Srebrenica could become the Kosovo Field of 1993. There is a real Kosovo complex among the Serbian leaders."[353]

Moreover, it turned out that the period of April and May, 1993, was focused on black-and-white descriptions of the attacker (the Serb side), the attacked (the Muslim/Bosniak side), and the observer (the UN), which then took steps to alleviate the suffering of the attacked side. The resolution on the demilitarization of Srebrenica – the main reason why the mentioned time interval was chosen – was not the centre of the descriptions. Disarmament was predominantly mentioned as a move that Muslim forces rejected because they were threatened with ethnic cleansing. For example, the term "demilitarization" is mentioned in *The Guardian* only six times –the term is used in general four times, once it referred to Žepa, and the only mention of demilitarization in connection with Srebrenica occurred in the context of Serb forces' claim that it was not being conducted:

> UN protection forces have been unable to get military observers into Goražde because the Serbs will not allow them, complaining that the Muslims have not respected agreements to demilitarise the "safe area" enclaves of Srebrenica and Žepa.[354]

3.2.3.5. Srebrenica: The period between April 1992 and March 1993

As was already mentioned, during the period between April 1992 and March 1993, Muslim military forces carried out an attack during which the territory of the central Podrinje, which spans 900 square meters, was ethnically cleansed. The outcome of this attack was 2,000 killed Serbs. With this in mind, the researchers concentrated their efforts toward the analysis of the manner of reporting on Serb civilians' sufferings. Muslim and Croat victims were not the subject of interest in this part of the analysis.

Perhaps the most impressive fact is the existence of small number of texts dedicated to Serb victims (for example, Podrinje was not mentioned as a toponym at all). Thus, a search of texts from the mentioned period showed that there were not any articles in *The New York Times* dedicated primarily to Serb victims in the Podrinje region. In the case of *The Guardian*, the situation is somewhat "better" – out of 706 articles published in this period, two were dedicated to the suffering of the Serb side in the mentioned area.

The following topics were found through qualitative content analysis of the joint database of articles:

- Descriptions of crimes committed against Serb civilians:

353 John F. Burns, "Standoff for Muslim Enclave in Bosnia."
354 Kurt Schork, "Shells Rain on Sarajevo," *The Guardian*, May 31, 1993.

> Two neat rows of 14 coffins each were laid out alongside the beautiful Orthodox church in this eastern Bosnian town, with its majority Serbian population. At each coffin, as flies gathered around, a wailing widow and a distraught family intoned a seemingly ancient lament. Draped over the 28 simple wooden crosses were shirts, towels, even cotton blouses embroidered with flowers – memorials to the departed. Soldiers wielding war-tested weaponry, hand grenades dangling from belts, mingled with a crowd that stretched halfway down the main street. The killers had gone about their task with a gruesome viciousness that left even doctors and hardened soldiers at times unable to hold back their tears. A day before we arrived the corpses had been laid gently on a lawn in front of the hospital in the nearby village of Milici – brought there from nearby Serbian villages. Three of the corpses were kissed by a distraught old woman – her grandsons, she explained. Like many of the others, they had been butchered. Some men were burned to death, others bore huge gashes in their chests, legs and torsos, into which maggots had busily swarmed. Many of the men, some apparently in their sixties or seventies but most appearing youthful, had been either castrated or crudely circumcised, either before or after death. . . . Back in Pale, Miroslav Taholj has for the last three months been meticulously compiling dossiers on a whole range of killings, mostly by Muslims, he alleges, and by Croats. He said the events at Milici were only the latest in a long line of similar Muslim activities. He showed videotaped and written evidence that included even more hideous forms of death – including beheadings and the rape and murder of young girls in front of their parents. In one instance, the father of one of the young girls subsequently committed suicide.[355]

> Muslim forces in the mountainous border region of eastern Bosnia are burning Serbian villages and evicting their inhabitants as they advance on a key Serb stronghold inside Bosnia, close to the frontier with Serbia. Nearly 10,000 Serb peasants have fled across the River Drina into Serbia in the last two weeks to escape the Muslim advance towards Bratunac, which threatens to loosen Serbia's grip on the region. According to some of those who have fled, many people have been murdered in the Muslim assault.; Standing by the side of a road on the Serbian side of the river, Nevenka Simic, huddled together with three friends, watched as Muslims set fire to her home. She considered herself lucky to be alive, having visited relatives in Serbia the day Bjelovac was overwhelmed. Nedeljko Filipovic, who with thousands of Serb villagers has sought shelter in the Serbian border town of Ljubovija, described how he and his family escaped in a boat and returned later to bury the dead. "My house was close to the river bank, so we jumped into a dinghy and made for the other side," he said. "We came back briefly to find the streets littered with corpses. They had all been shot." Nedeljko's son was among the victims. He bled to death after his shoulder was blown away by a high-velocity bullet. "I dragged him through the cornfields to the cemetery in Bratunac," Nedeljko said. Mitra Ilic, from nearby Mandici, said that Muslim guerrillas attacked her village, killing several guards and setting fire to houses before ordering the locals to abandon their homes. "They threatened to finish us off if we didn't get going," she said.[356]

- Serb victims as a consequence of the counter-offensive, that is, Muslim retaliation:

355 Paul Martin, "Serb Villagers Mourn Butchered Menfolk" *The Guardian,* September 30, 1992.
356 Yigal Chazan, "10,000 Serb Peasants Flee Deadly Muslim Advance," *The Guardian*, December 29, 1992.

Several Muslims here said they had been told that Serbs accused of having been snipers were taken away and shot. City officials confirmed that there had been no trials.

According to several different accounts given by Muslims, attacks on Serbs living in the town were common last summer, when the Serbian attacks on the town were at their most intense, and an uncounted number of innocent Serbs died in what amounted to revenge killings. In parts of the town where Serbs congregated, including the section on the west bank of the Drina leading north toward Rogatica, 20 miles away, whole districts have been wiped out, with houses and businesses blasted into ruins and set afire.[357]

The makeshift Serbian graves of Bajina Basta in the hillside cemetery are dwarfed by the eastern Bosnian mountains, their slopes marked with the charred remnants of Serb homesteads and villages. The simple wooden crosses look like scarecrows, draped according to Orthodox ritual with shirts and headscarves belonging to the deceased. Favourite cups balance precariously on the muddy burial mounds. Desimir Mitrovic, the mayor of nearby Skelani, wanders solemnly through the cemetery. He stops occasionally beside a grave, notes the name on the cross and motions across the valley, locating the burnt-out home of the Serbian victim. Bajina Basta, a pretty spa town on the Serbian side of the Drina River which forms the frontier with eastern Bosnia, has a grandstand view of the Skelani battlefields inside Bosnia on the opposite bank. At the outset of the Bosnian war, hundreds of Muslims living in Skelani were either killed or driven from their homes. In January, the tables were turned when Muslim lighters from the neighbouring enclave of Srebrenica, 20 miles to the northwest, rampaged through Serb villages in the region. They advanced to within a stone's throw of the Drina, their snipers picking off Serb civilians as they fled across Skelani bridge into Serbia. Bosnian Serb reinforcements were rushed in to thwart the offensive. The Muslims were quickly driven back but continued to launch raids deep into the district. . . . From Skelani, the river snakes northwards to Bratunac, another Bosnian-Serb stronghold, closer to Srebrenica and well within range of Muslim mortars which pound it most days. As with Skelani, Bratunac had a mixed population until the outbreak of war when the Muslims were expelled. The Srebrenica lighters are reaping their revenge, filling the town cemetery with hundreds of Serbian graves.[358]

It appears that on Aug. 27, Serbian forces in the hills above Goražde on the southeast bank of the Drina began to pull back, lifting a siege described as having caused greater deprivation and civilian suffering than in Sarajevo, the capital of Bosnia and Herzegovina. Whether this was to honor commitments made in London or whether it was a military necessity is unclear. Kemal Knijun, the Muslim Mayor of Goražde, has asserted that the besieging forces were swept off the hills by a Muslim counterattack.

The accounts suggest that at about the same time, a convoy of several hundred Serbian inhabitants of Goražde, particularly from the hills on the southeast bank who had effectively lost their protection, began to travel north by bus, truck and car toward the Serbian-controlled town of Rogatica, about 10 miles away. The Serbs say that along the road, close to the village of Kukavice, they were attacked by Muslim forces.

357 John F. Burns, "In Muslim Town, Serbs Pay the Price," *The New York Times*, March 9, 1993.

358 Yigal Chazan, "Serbian Casualties Grow as Muslims Take Their Revenge" *The Guardian*, March 18, 1993.

"About 300 people were killed by Muslim machine-gun fire on the road, and who knows if they will ever be buried," Milomir Matovic said in an interview with Vecernje Novosti, a Belgrade daily. "I lost my own 11-year-old son, Dalibor."

Another Serb, Otas Kosoric, said in a newspaper interview that the Serbian command had ordered the Serbian inhabitants to leave Goražde "after the Serbian troops moved back following the London Conference." But he said that many of the Serbian civilians had been killed before they reached safety.[359]

The offensive comes almost eight months after Serb troops backed by the Yugoslav army stormed into eastern Bosnia, capturing a string of predominantly Muslim towns in a series of lightning raids. Outgunned, the Muslims fled into the mountains and launched hit-and-run attacks on Serb positions. Recently, their ambushes have proved increasingly effective, leaving the Serbs controlling little more than towns captured at the outset of the war. Buoyed by their success, the Muslims have become more adventurous, subjecting Serb strongholds such as Visegrad and Foca to almost daily mortar attacks and launching a series of raids on border villages.[360]

- Downplaying the importance of Serb victims in relation to crimes committed by Serb forces:

Officers of the tank unit urged the reporters to visit Serbian communities that have been destroyed by Bosnian forces, including villages near Bratunac, in eastern Bosnia, where Bosnian fighters last week killed at least 60 Serbs, including some civilians, torturing at least some of them before they died. Other atrocities by Bosnian and Croatian forces have been reported, but their number appears to have been small in relation to the hundreds, even thousands, of incidents of which the Serbian forces have been accused.

Men at the tank unit said irregular Serbian units called chetniks and others not regular Serbian Army units have been responsible for most of the killings and gang-rapes by Serbian fighters that the men of the tank unit conceded were atrocities. The officers made it clear that this category did not include the siege and bombardment of Sarajevo, listed by Mr. Eagleburger as among the worst of what he called war crimes.[361]

- Military victims as the main loss of the Serb side:

The reporters were led up a steep hill by Serb commanders and soldiers. By the time the party reached a shady ridge, the stench of decomposing flesh was overpowering. In a small clearing, rimmed by onlookers covering their noses, two Serbs were digging out the putrefied corpses. Steam rose from their frozen forms. "They are all Serb civilians slaughtered by the Muslims, there are mass graves all over this hillside," the Zvornik military chief, Major Vinko Pandurovic, said. "We've come here to witness the truth." As the gory exhumation proceeded, Serbian artillery blasted the neighbour-

359 John F. Burns, "Some Serbian Gunners Shell Their Own Sarajevo Homes," *The New York Times*, December 27, 1992.

360 Chazan, "10,000 Serb Peasants Flee Deadly Muslim Advance."

361 Roger Cohen, "Siege Is Resumed In Bosnian Town," *The New York Times,* September 9, 1992.

ing Muslim enclave of Cerska, nestling behind an adjoining valley. Serb soldiers in improvised dug-outs were torn between watching the outgoing fire and witnessing the macabre spectacle of disinterred bodies being lined up along the ridge. "We can prove they are Serbs because Muslims we captured said so," one soldier claimed. Eighteen corpses were unearthed, all of them male, clothed mostly in the ragged remains of khaki uniforms. The Serbs claimed the victims had been tortured before being executed by Muslims. One had been decapitated, another had his legs bound with wire. A Serb pathologist said he could confirm only that they had been dead for two months. How they had died, he said, remained unclear. Out of earshot of their commanders, Serb soldiers admitted that a number of the bodies had been of combatants. At a second grave site along the ridge, Radovan Macunovic, from a nearby Serb village, said that early in November a Muslim pincer movement had trapped Serb soldiers, routing them after bitter fighting. Peering at four disfigured bodies freshly retrieved from an ice-covered pond, Mr Macunovic said his brother was among those who died in the battle. He had come to search for his remains.[362]

At a cemetery on the outskirts of the town, dozens of freshly dug graves testify to the high losses incurred by Serbian forces in the area. "The 'Turks' are killing our boys every day," said a policeman, amid the cries of grieving peasant women attending the latest funeral.[363]

- Victims as a motive for further attacks committed by the Serbs:

The steady influx of refugees fleeing into Srebrenica from the Serbian assault on Konjevic Polje increased on Saturday after a Friday attack on Muslim women, children and elderly people.

They gathered around British armored personnel carriers on Thursday in a vain hope of gaining safe passage out of the area, United Nations officials here said.

The refugees originally came from the Cerska area and fled to the wooded area surrounding Konjevic Polje when the Serbian nationalist forces took Cerska.

The Serbs assert that their offensive on eastern Bosnia was triggered by what they say was a Muslim killing of civilians.[364]

When the current east Bosnian crisis erupted five weeks ago, he emphasised that the Serbs were blocking aid convoys to Muslim enclaves because Serb villages were allegedly being torched and Serb civilians killed. At the weekend he said the Serbs were continuing the siege because they had found mass Serb graves.[365]

Having in mind the mentioned poor volume of information, the researchers also analyzed the reports on Serb victims in other parts of Bosnia and Herzegovina. As in the case

362 Yigal Chazan, "Serbs Dig Up Comrades' Corpses As Muslims Flee Smouldering Enclaves" *The Guardian*, February 18, 1993.
363 Yigal Chazan, "Goražde Fighters Bite Back at Serbs" *The Guardian*, September 28, 1992.
364 Chuck Sudetic, "Serbs Overrun Muslim Enclave in Bosnia's East" *The New York Times*, March 15, 1993.
365 Ian Traynor, "Maverick General Digs in Amid Death," *The Guardian,* March 16, 1993.

of the central Podrinje, there were but a few articles dedicated to this topic, and they often consisted of short and vague paragraphs:

> In the neighbouring frontline village of Teslic, a Muslim mortar attack earlier this week killed five.[366]

> Eight hundred Serb refugees from villages close to Zenica have already sought shelter in a sports hall on the outskirts of Doboj. The refugees, mostly women and children, speak of Muslim and Croatian soldiers driving them out of their homes. Some said their villages had been surrounded, with Bosnian forces threatening to kill them if they stayed. Desa Milosevic from Zavidovic said all the houses in one part of the village had been burnt down. "They even set fire to the home of a Croat because he didn't want to join the Bosnian army. Captured Serbian men were forced to join the Muslims and were sent to the front line. Their wives were told that they would soon be bearing Muslim children."[367]

> I list the following sites, in Muslim territory, where Bosnian-Serb civilians are being held, tortured and in many cases systematically killed. The worst of these are: Zenica, Knojic [sic], Bradina, Tarcin, Zitomislic, Bogodol, Glibodol, Tasovcici, Ulepci, Prebilovci, Guber, Duvno, Livno, Tuzla, Cazin, Travnik, Slavonski Brod, Buturovic Polje, Celebic.[368]

> "There is no doubt too that Serbians have been massacred by Muslims in the ghastly factional fight which has erupted throughout large parts of Bosnia-Herzegovina".[369]
>
> Meanwhile, news reaching Belgrade suggests that separate offensives by Muslim and Croatian forces in eastern and northern Bosnia over the last few days have caused heavy casualties among Serbs and cut their lines of communications. Land corridors linking Belgrade to the Serbian military command centre in Pale, on the outskirts of Sarajevo, and the north-western stronghold of Banja Luka were temporarily broken at the weekend. Traffic on the route between Belgrade and Pale was suspended for almost 24 hours after Muslim troops ambushed a convoy of civilian vehicles.[370]

Moreover, descriptions of Serbs' suffering were often contextualized by being placed in articles whose core characteristic was that they were excessively generalized and/or their credibility was doubted:

> "Despite widespread evidence that Serbian forces in Bosnia and Herzegovina have forced many Croats and Muslims from their homes, Mr. Karadžić insisted that refugees had fled of their own accord. He described this process as "ethnic shifting."
>
> "They all wanted to leave the areas of conflict or areas of high tension," he said. Before addressing journalists, Mr. Karadžić showed a videotape of torture victims

366 Yigal Chazan, "Finger of Phony Peace Points the Way to Heart of War," *The Guardian*, January 15, 1993.
367 Yigal Chazan, "Cleansing Identities in New Bosnia" *The Guardian*, August 1, 1992.
368 "Letters to the Editor – Ethnic Cleansing Denied" *The Guardian*, July 30, 1992.
369 Kevin Myers, "Horror at the Holiday Inn," *The Guardian*, July 14, 1992.
370 Ian Traynor, Yigal Chazan and Hella Pick, "New Barrage Puts Peace Talks at Risk" *The Guardian*, September 15, 1992.

and dismembered bodies. He said they were Serbian victims of Croats and Muslims.

"We know their names and we know the places where they died," he said.[371]

The Serbs also said the attackers looted and burned their homes, then rounded up large numbers of survivors and forced them to spend three to five days in darkened, damp railroad tunnel with virtually no food or water.

It was not clear from the accounts what had become of the captives after they were removed from the mile-long Ivan-Sedlo tunnel near the village of Bradina, 25 miles southwest of Sarajevo, but several of the Serbs said that they had heard that the detainees had been placed in internment camps in Muslim controlled villages in the area.

Much of what the Serbs said could not be verified, although the United Nations military group in Sarajevo said the allegation about people being held in the railroad tunnel had been confirmed when the Muslim-led Government in Sarajevo, responding to inquiries by the United Nations, had given assurances that the Serbs had been removed from the tunnel.

It remained unclear, from the Serbian accounts and from what the United Nations officers were told, what the Muslim Slav and Croatian captors had intended to do with the detainees in the tunnel before the United Nations intervened. The detainees were said to have included women and children and many elderly people.

It was not clear whether the use of the tunnel would have led to a massacre without United Nations help, as the Serbs who relayed accounts of it said they had feared, or whether some of those held in the tunnel died, as the Serbs also maintained.[372]

Fierce fighting was also reported along the Drina River separating Bosnia from Serbia. Some of the sharpest discord between Muslims and Serbs at the talks involve proposed provinces in eastern Bosnia along the Serbian border.

President Dobrica Cosic of Yugoslavia complained today that "200 were killed" by Muslim-led forces on the Bosnian side of the border.[373]

The officer, who spoke under condition of anonymity, told Reuters: "Srebrenica belongs to Serbs ... We expect [the Muslims] to attack again. When we are attacked, we are not going to stop until we get it".[374]

In the morning, the journalist from England is brought to see that the prisoners have not been ill-treated and to hear the captain tell them that they are being sent back to Foca, that the city of Goražde has refused to take part in a swap. The commander says he's sure that all the Serbs have been massacred in Goražde by Muslim extremists but, never mind, they will not be harmed just sent back to prison. Breakfast is hot milk and trifle cake.[375]

371 Stephen Kinzer, "U.S. Worries Balkan War Could Spread; Serb Vows to Close Camps," *The New York Times*, August 22, 1992.

372 John F. Burns, "Serbs Say Muslim Slav and Croatian Gunmen Killed Civilians in 6 Villages," *The New York Times*, June 4, 1992.

373 David Binder, "Balkan Peace Talks Resume as War Drags On," *The New York Times*, January 24, 1993.

374 Mark Heinrich, "Muslims flee fallen town of Cerska", *The Guardian*, March 4, 1993.

375 Maggie O'Kane, "Cake, milk and captivity for Muslims of the new Bosnia,"*The Guardian*, July 24, 1992.

> "And in the propaganda war of charge and counter-charge, Serbian leaders also claimed that 6,000 ethnic Serbs had been murdered in detention camps set up by Muslims and Croats, and that almost 20,000 others were being held".[376]

> "Serbian officials said that fleeing Serbs in the Goražde area were being ambushed and killed by Muslims. In one incident, said Serbian headquarters, 21 Serbian women and children were killed. The claims could not be verified".[377]

> Similar hit-and-run tactics have been adopted by Muslims in the Srebrenica region to the north. Milojka Stanojevic's unit was ambushed on its way to the Serbian front line. "They struck from both sides, first grenades then automatic fire," he said. Such attacks are now commonplace, as the Muslims gain confidence. They recently captured one of the larger Serb villages. "They're breaking Srebrenica and are massacring Serbs," said Mr. Stanojevic.[378]

A fact should be added to this, and that fact is that the biggest part of articles was dedicated to Muslim/Bosniak victims (as expected, this is so in the case of the territory of the central Podrinje):

> But while the UN relief trucks were still trying for a fourth consecutive day to negotiate their way across the Drina river to starving Muslims in the east, military commanders in the Serb stronghold of Zvornik took journalists on a ghoulish tour of an area they had captured. The road to Kamenica, south of Zvornik, meanders along a sinuous river valley, passing through hamlets and farmsteads which, until a week ago, were home to some 5,000 besieged Muslims. Now they are little more than burnt-out shells, littered with the detritus of war. Last weekend, as the UN prepared to launch a concerted challenge to the Serbian blockade of Muslim enclaves in eastern Bosnia, Serb troops were flushing out the last pockets of resistance in Kamenica. Its desperate inhabitants had earlier been forced to flee along a so-called "humanitarian" corridor set up by the Serbs. UNHCR denounced the action as "ethnic cleansing". "It's just a one-way street," a senior aid official said. Signs of a swift exodus pervade Kamenica. Hastily abandoned washing hangs from balconies, and footprints criss-cross freshly tilled fields. That few Muslims put up a struggle is evident from the absence of bullet marks on building facades. Houses were simply torched when the Serbs walked in. Some were still smouldering as the tour arrived in central Kamenica, to be greeted by a posse of grizzled Serbs, some in the process of looting.[379]

> Mr Halilovic warned that "thousands of women, children, and elderly" were at risk in the area, which has come under fierce Serbian assault in the past two weeks despite worldwide condemnation and attempts by relief agencies to deliver aid supplies. The nearby Muslim enclave of Cerska was overrun by the Serbs last week when the

376 Simon Tisdall, Hella Pick and Kurt Schork, "US edges towards Bosnia force," *The Guardian*, August 5, 1992.

377 Ian Traynor and Yigal Chazan, "Panic wins struggle for power," *The Guardian*, September 3, 1992.

378 Chazan, "Goražde fighters bite back at Serbs."

379 Chazan, "Serbs dig up comrades' corpses as Muslims flee smouldering enclaves."

> Muslim inhabitants tied towards Srebrenica in the latest bout of "ethnic cleansing". International relief agencies fear that Konjevic Polje and Srebrenica are next on the Serbian hit-list, and that tens of thousands of Muslims are desperate to escape the region.[380]

There was no visual content portraying that topic in *The New York Times* in the specified timeframe. On the other hand, *The Guardian* offered only geographical information in connection with the sites of Muslim's crimes – two maps that accompanied the only existing articles dedicated to the suffering of Serbs in the central Podrinje.

Above is a map from a *Guardian* article.[381]

380 Ian Traynor and John Palmer, "Bosnian Troops Ordered against Besieging Serbs," *The Guardian*, March 9, 1993.

381 Chazan, "10,000 Serb Peasants Flee Deadly Muslim Advance."

Above is a map from a *Guardian* article.[382]

3.2.3.6. Srebrenica: The period between April 1992 and March 1993 - Conclusion

The basic fact that the researchers came to is the disproportion in reporting on the Serb suffering, on the one hand, and Muslim and Croat victims, on the other. Serbian sufferings are described less – the number of articles is much lower, paragraphs are shorter and rarer, descriptions are less detailed, and so forth.

Moreover, the mention of Serb victims in the central Podrinje was constantly relativized – the victims were mainly soldiers, it was a counter-offensive of the Muslim side (if Serb civilians were killed, it was so because Muslim civilians had died before them), Muslims have gone through far greater hardships, and the like.

> In the past it has been the Serbs towards whom the finger of accusation has been pointed, made more believable by the fact that they hold more than half the territory of Bosnia. Yet both Mr Taholj and Mr Karadžić, a former psychiatrist, insist that Serbs are guilty at worst of occasional coldblooded killings on the battlefield and of forced expulsions of Muslims from their homes, "only when they are acting in their own security". In Vlasenica, and in so many parts of this war zone, the truth has for

382 Martin, "Serb Villagers Mourn Butchered Menfolk."

> months been a serious casualty. Yet it is clearly apparent that both sides have lost any semblance of respect for their neighbours.[383]

Paragraphs like the one above were simply not present enough in the articles. The reports on the sufferings of Serbs in other parts of BiH certainly fit in this picture as well.

However, the researchers notice another regularity of great importance for understanding the reporting on the Serbian suffering between April 1, 1992, and March 31, 1993. Every claim about Serbian suffering comes almost exclusively from the Serbs themselves. This is in direct contrast to reports of Muslim victims where the testimonies and / or statements of Muslim civilians, leaders, and the alike are confirmed by various foreign and international actors. Reports on Serbian suffering, therefore, have an implicit dimension of speculation (in some cases, the claims of the Serbian side are directly discredited).

The general conclusion that can be drawn is the insufficient "strength" in reporting on Serb victims. Exceptions that explicitly describe the suffering of Serbian civilians are relativized and suppressed by the amount of information about the suffering of the Muslim population in the area of the central Podrinje, but also throughout BiH.

3.2.3.7. Srebrenica: The general image

Between April 1, 1992, and December 31, 1995, *The New York Times* published five articles in total that explicitly refer to Srebrenica in their headlines. One of them was on the cover page. *The Guardian* database published four such articles, and three of them were on the cover page.

Having in mind how great the time frame that had been analyzed is, articles were dedicated to the different topics important in that period. Therefore articles published in 1993 dealt primarily with the description of the situation in Srebrenica, the demilitarization process, and the beginning of the conflicts in the region, while articles published in 1995 were dedicated to the Massacre in Srebrenica. Bearing this in mind, the qualitative analysis is divided into two time-restricted clusters.

Several robust themes were found through qualitative content analysis of articles published in 1993:

- Description of the beginning of the war in Srebrenica:

> War came to Srebrenica on April 19, 1992, when militiamen from Serbia itself arrived in the predominantly Muslim-populated area and demanded that the Muslims surrender whatever weapons they had.

383 Martin, "Serb villagers mourn butchered menfolk".

Unlike the Muslims in nearby towns who handed over their guns and suffered immediate expulsions, Srebrenica's struck back, gunning down 13 Serbian militiamen, the men hospitalized here said.

The Serbs responded by overrunning Srebrenica two days later, they said. "They were going about killing people," Mr. Habibovic said.

About 80 percent of the town's 7,000 original residents fled into the woods, he said. "I stayed to defend my home."

A month later, a Muslim teenager gunned down the commander of the local Serbian militia and leader of the Serbian Democratic Party. The boy did not know whether the party leader was dead, Mr. Muhic said. "So to make sure he had finished the job, he threw a hand grenade into the car and died himself in the explosion."

The Serbs that day took revenge on the Muslim population, Mr. Muhic said. They held Srebrenica for only a few more days before the Muslims recaptured the town, the wounded men said.

The present Serbian campaign has, however, completely reversed the Muslims' successes and squeezed about 50,000 Muslims into Srebrenica.[384]

- Readiness of Bosniaks/Muslims to further fight for Srebrenica:

In a smoky bomb shelter beneath the main hospital here, wounded and maimed Muslim soldiers airlifted from Srebrenica vowed today to continue their yearlong struggle to defend their homes.

"I'm going back for sure as soon as I'm well," said Muradif Habibovic from his bed. "Even like this, I will go back." He held up both hands, which were bandaged and missing fingers.

"Srebrenica is my land, my home," said Mr. Habibovic, 52, a lumber industry worker. "I don't care who is there, Serbs, Croats, Muslims, so long as they don't attack. So long as they let us live."

Next to him in a long row of new wooden beds provided by international relief agencies, Sinan Muhic, who lost a leg in a Serbian shelling attack, was just as resolute about returning, but despairing of what he would find.

"It was a fine town," said Mr. Muhic, 58, a lumber company manager. "But now it has become chaos. It has become one big grave."[385]

- Description of the humanitarian catastrophe in Srebrenica:

Hundreds of wounded have been left behind in a town which has four doctors, no electricity, no food, and no medicine. The town has been surrounded since April 18, 1992. There was no room for the 13th on Mr Muric's helicopter. As they lifted the old man back on to the football pitch he screamed: "God will punish you for this". The

384 Chuck Sudetic, "Wounded Muslims Vow to Return to Srebrenica," *The New York Times*, April 21, 1993.
385 Ibid.

helicopter took off after 12 minutes on the ground. "I will remember him screaming for the rest of my life," Mr Muric said. In Srebrenica 20,000 refugees from outlying villages and towns are desperate to find space. Many are camped in the snow on the main street where they burn tyres and plastic supermarket baskets for warmth. When the helicopter flew out, it flew over the hospital where Jasmina Jakub, aged 20, died last Thursday after 50 hours in labour giving birth to a dead 9 lb baby. Her baby turned its back on the birth canal as she walked through 15 miles of snow. There was no petrol for the drive to hospital. When she delivered in the early hours of the third day she had lost too much blood and they had none to give, and no electricity for a transfusion anyway. The day before, a man who had fled from the village of Vlasnica waited outside an operating room while Dr Nikanovich tried to amputate his daughter's leg with a metal saw. "She's only five. I can't go in," her father told Nezira Bektic who went into the room to collect his shirt. She died on the table from shock while Dr Nikanovich was sawing. There was no anaesthetic for the pain. In the streets of Srebrenica the dogs turned wild with hunger. "Once I saw them attack a corpse." said Sebad Catic, who is 25 and escaped from the town with five other men by walking for 10 days over the mountains. "There were maybe 10 dogs and they started tearing at it on the street so we shot all the dogs. I don't remember exactly when that was. It happened many times. If there is a big family and one of them gets killed by a shell, then he will be buried. If they have no family they don't get buried. People are too weak from hunger." Mr Cade's two brothers, Sand and Nedad, both killed by shells, are buried in the front garden. "Nobody risks going to a cemetery any more. Too many funerals have been shelled."[386]

Dr. Nedret Mujkanovic never did more than assist in a surgery before he trudged for seven nights through miles of hostile, Serbian-held territory and walked into the hospital in the besieged Muslim town of Srebrenica last Aug. 5.

By the time Dr. Mujkanovic, a pathologist by training, returned here in a United Nations helicopter Wednesday evening with the last of Srebrenica's wounded men, his surgical experience amounted to 1,390 operations, including 100 amputations carried out with no anesthetics and four Caesarean sections he learned how to perform by perusing a textbook. . . . "We didn't have blood for transfusions or plasma. It was impossible to draw blood from other people, because we didn't have any way to do lab tests to determine blood type and Rh factor."

Dr. Mujkanovic estimated that during his nine months in Srebrenica about 10 to 15 percent of the 4,000 patients brought to the town's hospital died. All the diabetics and heart patients who needed special medicine died, he said. . . . Dr. Mujkanovic said that between December and early March, about 20 to 30 people were dying daily from pneumonia and other diseases worsened by long-term hunger. . . . Dr. Mujkanovic said a surprise Serbian attack on a yard outside Srebrenica's refugee-packed school at 2 P.M. on April 12 produced the worst carnage he witnessed during the entire war.

"People were sitting around in front of the school," he said. "The children were playing football and other games. In less than one minute, seven rockets from a multiple-rocket launcher fell in an area about half the size of a football field."

Dr. Mujkanovic said 36 people had died immediately and 102 had been seriously wounded.[387]

386 Maggie O'Kane, "No Anaesthetic for the Pain of Srebrenica," *The Guardian*, March 17, 1993.

387 Chuck Sudetic, "Conflict in the Balkans; A View of the Bosnia War From the Srebrenica Hospital's O.R.," *The New York Times*, April 24, 1993.

- Serbian forces' attack on Srebrenica:

Tens of thousands of trapped civilians were reported to be in a state of panic last night in the east Bosnian Muslim enclave of Srebrenica as encircling Serbian forces closed in what may be a final offensive to take the town. United Nations officials, relief workers, the Bosnian media and ham radio operators in Srebrenica all reported a tightening of the Serbian noose on a town-that has been under siege for 11 months and is unlikely to hold out for much longer. "The Muslim forces have few weapons and even less ammunition. Srebrenica will fall," said a UN military source in regular contact with the town. Bosnian radio said the Serbs had unleashed a fierce artillery and infantry assault, had captured outlying villages and moved to within a mile of the mountain town. UN sources said the Serbs were within small arms range of Srebrenica and that the odds were stacked against the town's defenders. . . . Indiscriminate Serbian shelling of the centre of the town on Monday killed at least 56 people in what UN officials termed an unpardonable atrocity.[388]

- Western officials' different attitudes towards the situation in Srebrenica:

Despite the carnage, John Major led a chorus of British officialdom yesterday in insisting that the time was not ripe to bomb Bosnian Serb forces or arm their Muslim enemies and that tighter economic pressure should be used to bring Belgrade and its allies to stop the killing. The Prime Minister was answering questions in the House of Commons as Malcolm Rifkind, the Defence Secretary, and Douglas Hogg, Foreign Office minister, heard from President Bill Clinton's special envoy to the former Yugoslavia that Washington was actively considering military options if other means failed. Asked whether he agreed that arms supplies to Bosnia should be choked off rather than increased, Mr Major replied: "I share the view ... expressed about the need to damp down and not increase the supply of arms." He said he wanted to "widen and deepen" existing UN sanctions with help from the so-far reluctant Russians. Mr Major also brushed aside criticism — led vocally this week by Lady Thatcher — that his government was not doing enough to end the fighting. Addressing the Labour leader, John Smith, he said: "Let me say ... that neither he nor anyone else has a monopoly of concern or conscience about this matter." Mr Smith had said earlier: "There is no real let or hindrance put upon the Serbs and their present barbarous behaviour ... there is really deep country about the fact that the slaughter in Srebrenica is a daily affair. There ought to be more urgency than this leisurely diplomatic pace."[389]

- The importance of Srebrenica and the consequences of its fall:

Srebrenica is one of the last Muslim strongholds in eastern Bosnia, an area coveted by the Serbs where all the main towns had a Muslim majority before the war. The town's fall would be a crushing blow to the Bosnian government, an acute embarrassment for the UN mediation and relief effort in Bosnia, and probably a terminal setback to

388 Ian Traynor, Ian Black and Stephen Bates, "Mass panic as Serb noose tightens on Srebrenica," *The Guardian*, April 16, 1993.

389 Ibid.

the limping international peace plan for Bosnia. The map of Bosnia drafted by the mediators, Cyrus Vance and Lord Owen, allots Srebrenica, as well as a large swath of Serb-controlled eastern Bosnia, to the Muslims.[390]

- The Serb side's non-compliance with the UN resolution:

Venezuela's United Nations representative, Diego Arria, who is leading the Security Council mission, said Srebrenica was very far from being the "safe area" that the Council wants it to become although the cease-fire there was still holding.

He said that Serbian nationalist forces were effectively in control of Srebrenica and that they had violated a pledge by refusing to allow the team of foreign correspondents who accompanied the mission to enter the town. They have also cut off its water and electricity supplies, creating a risk of epidemic disease, Mr. Arria said.

The Serbs have also failed to meet a Security Council demand that they pull back their encircling forces, he said, and they are keeping out doctors, including the French medical relief group Doctors Without Borders.

"We are really very shocked; it's an open defiance of the international community," Mr. Arria said at a news conference on the soccer field at the Bosnian border town of Zvornik, a 10-minute helicopter flight from Srebrenica, where he landed on his way out.

Pakistan's deputy United Nations representative, Sher Afgan Khan, said: "It confirmed our worst fears. The Serbs are consolidating their position. It's clear they have no intention of withdrawing."[391]

- Serb side's readiness to commit the worst possible atrocities:

A United Nations Security Council mission visited the besieged Muslim enclave of Srebrenica in Bosnia today and described it afterward as "an open jail" where Serbian forces were planning "slow-motion genocide". . . . The unusual Security Council team, which also consists of United Nations representatives or their deputies from France, Russia, New Zealand and Hungary, is visiting Bosnia and Herzegovina under the terms of a resolution adopted by the Council on April 16. The Security Council called on both Serbian forces and the town's Bosnian Government defenders to make Srebrenica a "safe area" by ending the siege of the enclave and allowing free access.

The resolution was adopted when Serbian forces appeared on the point of overrunning Srebrenica and driving out tens of thousands of Muslims in what would have been one of the largest acts of "ethnic cleansing" of the year-old civil war.[392]

On the other hand, several important themes were found through qualitative analysis of articles published in 1995:

390 Ibid.
391 Paul Lewis, "U.N. Visitors Say Srebrenica Is 'an Open Jail'," *The New York Times*, April 26, 1993.
392 Ibid.

- The fall of Srebrenica:

On the afternoon of July 10, soldiers of the Bosnian Serb army began storming Srebrenica, a city of refuge created by the United Nations, where more than 40,000 people sought shelter from war. A United Nations officer in the town hunched over his computer and tapped out a desperate plea to his leaders in Geneva.

"Urgent urgent urgent. B.S.A. is entering the town of Srebrenica. Will someone stop this immediately and save these people. Thousands of them are gathering around the hospital. Please help."

Nobody did. As the Western alliance stood by, the eastern Bosnian city was overrun.[393]

- Characterization of the fall as a massacre and/or genocide and its description:

What followed in the towns and fields around Srebrenica is described by Western officials and human rights groups as the worst war crime in Europe since World War II: the summary killing of perhaps 6,000 people. . . . Here was evidence, Mr. Shattuck said later, of "direct acts of genocide".[394]

The man and other Bosnians described how the Bosnian Serb military leader, General Ratko Mladić, alternated promises of safety to the prisoners with threats, at one point promising that 1,000 Muslims would die for every Serb killed from his home town. Muslims were machine-gunned in groups of 20-25, according to the survivor. The field with the mass graves lies about a mile from the former eastern Bosnian enclave and was described by American officials as similar to mass graves discovered near Vukovar in an earlier phase of the Yugoslav war.[395]

One man described holding his cousin's hand as the shots rang out, being pulled down uninjured beneath his cousin's body, and lying among the dead for more than nine hours before escaping into the woods. "This man estimated that those executed numbered in the thousands. Others have given similar testimony," the report says. . . . In one instance, a Dutch soldier "watched as the victim, who was dressed in civilian clothes, was forcibly removed from a large group of displaced persons. A short time later, the Dutch soldier heard screaming and went to investigate. He then saw an unidentified BSA (Bosnian Serb Army) soldier shoot in the head the man who he had seen removed." The UN report corroborates eyewitness testimony published by the Guardian in the immediate aftermath of Srebrenica's fall, describing executions by a stream near a Potočari factory compound. The report says there is "substantial evidence" that an "unknown number" of Muslim men were executed in the area. The UN investigators found no first-hand testimony of rape, but collected numerous accounts of young Muslim women being taken off refugee buses by Bosnian soldiers and not being returned.[396]

393 "Massacre in Bosnia; Srebrenica: The Days of Slaughter," *The New York Times*, October 29, 1995.
394 Ibid.
395 Mark Tran, "Spy pictures 'show Bosnia massacre'," *The Guardian*, August 11, 1995.
396 Julian Borger, Ian Traynor and Hella Pick, "UN confirms Bosnian massacre," *The Guardian*, August 12, 1995.

- Massacre evidence:

There is "compelling evidence" that up to 2,700 Muslim men of military age were massacred by Bosnian Serbs after the fall of Srebrenica, the United States told the UN Security Council yesterday. Washington's representative at the United Nations. Madeleine Albright, showed the Security Council aerial photos of an area with freshly disturbed earth. The plot was about half a mile from a football stadium in Srebrenica where a large number of Muslim men were held when besieging Serb forces captured the UN-designated safe area in July. The International Red Cross has said that at least 6,000 people are unaccounted for. Ms Albright said: "What is evident is there is a compelling case that there were widespread atrocities committed in the area against defenceless civilians away from the battlefield area, and that there were high-level Bosnian Serbs present." The claims of mass killings came as the Security Council considered a resolution demanding immediate access to Serb-controlled areas around Srebrenica and Žepa. Russia, the Serbs' traditional ally, did not dispute the evidence. The photographs from spy satellites and U-2 planes show a long curving road by a football pitch, with areas that had been freshly dug up. Pictures of the field taken a few days before showed no such disturbance. The photographs show tracks from heavy vehicles leading to the field, where none existed before the earth had been dug. The US account of the alleged massacre relies heavily on a Bosnian man, aged 63, who survived the killings when he fell and was shielded by corpses.[397]

A United Nations investigation has found that Bosnian Serb soldiers committed wholesale human rights abuses after the fall of the Muslim enclave of Srebrenica last month, including mass executions and beatings. A confidential UN report, leaked to the Guardian yesterday, supports earlier press and United States government allegations of mass killings. Its authors say it is too early to estimate how many were slaughtered, and echo international demands for access to the Srebrenica area to allow further investigation. The International Committee of the Red Cross (ICRC) said yesterday that at least 6,000 people are missing in eastern Bosnia. US officials believe up to 12,000 are unaccounted for, and say 2,700 may be buried in a mass grave near the village of Kasaba, a few miles north-west of Srebrenica. The American government published aerial photographs of Kasaba on Thursday showing areas of freshly-dug earth and the tracks of mechanical diggers. The UN and ICRC have reacted cautiously to the claim of a mass grave, arguing that first-hand examination of the site is necessary before conclusions can be drawn. The UN report, nevertheless, finds that "substantial violations of human rights accompanied the fall of Srebrenica". It cites testimony from four survivors of mass executions in the village of Karakaj. Those accounts "involve men being taken in small groups from a sports hall in Karakaj to a nearby field for execution". . . . The UN investigators also heard testimony from Dutch peacekeepers who witnessed the shooting and beating of Muslim civilians near the UN Srebrenica base at Potočari.[398]

That day, John Shattuck, the Assistant Secretary of State for Human Rights, was in Tuzla, interviewing furious and stunned refugees -- among others, Mr. Avdic, the teenager, and Mr. Suljic, the invalid carpenter. His reporting helped give the C.I.A. a push.

397 Tran, "Spy pictures 'show Bosnia massacre'."
398 Borger, Traynor and Pick, "UN confirms Bosnian massacre."

By Aug. 2, "enough information had come to us that allowed us to hone in" on the killing grounds, an intelligence official said. An analyst with the C.I.A.'s Balkans Task Force stayed up all night, looking through thousands of images, until he matched the men in the fields with the corresponding shot of freshly dug graves.[399]

- American officials' claims that Serbs were trying to cover up the massacre:

The Bosnian Serb authorities have repeatedly blocked attempts to gain access to the Srebrenica area. In July, the Serbs allowed ICRC investigators to visit Muslim detainees, but they found only 200 men.[400]

American officials said today that they suspect Bosnian Serb soldiers may have tried to destroy evidence that they killed thousands of Muslim men seized in and around the town of Srebrenica in July.

The Serbs are suspected of pouring corrosive chemicals on the bodies and scattering corpses that had been buried in mass graves, the officials said.

The suspicions first arose in early August, after Central Intelligence Agency experts analyzed pictures of the area taken in July by reconnaissance satellites and U-2 planes. The analysts found images that appeared to be mass graves in two locations outside Srebrenica described by survivors of the massacres.

On Aug. 10, the chief United States delegate to the United Nations, Madeleine K. Albright, showed selected photos of the two sites to a closed session of the United Nations Security Council. She then said, "We will keep watching to see if the Bosnian Serbs try to erase the evidence of what they have done."[401]

- Pointing to western diplomacy and international organizations' failure:

A reconstruction of the fall of Srebrenica and the ensuing massacres, based on survivors' accounts, NATO and United Nations documents and interviews in Bosnia, Serbia, Washington and New York, leaves little doubt about what happened. The question of Serbian accountability promises to haunt the Bosnian peace talks that are to begin Wednesday at an Air Force base in Ohio.

The role of the outsiders who were sworn to protect the town but did not - the United Nations, NATO and the United States - is not so stark. But the massacre of thousands of men ostensibly under international protection is regarded by many officials as the low point of Western policy in the Balkans, a time of impotence if not acquiescence.[402]

399 "Massacre in Bosnia; Srebrenica," *The New York Times*, October 29, 1995.
400 Borger, Traynor and Pick, "UN confirms Bosnian massacre."
401 Tim Weiner,"U.S. Says Serbs May Have Tried to Destroy Massacre Evidence," *The New York Times*, October 30, 1995.
402 "Massacre in Bosnia; Srebrenica," *The New York Times*, October 29, 1995.

- Reasons why Srebrenica was not defended successfully:

> Col. Ton Karremans, the Dutch peacekeepers' commander, warned senior United Nations officers in May of signs that the Serbs were preparing to conquer the enclave, according to the Dutch Defense Ministry. Nothing was done in response to this message, United Nations officials said.
>
> "We had indications in June that the Serbs might be concentrating on the enclave," an American intelligence official said. "But it was unclear what the scope of the action was."
>
> As the Serbian assault continued on July 7, the Dutch peacekeepers asked their United Nations superiors to call in NATO warplanes against the attacking artillery and armor. The request was rejected by United Nations officers in Sarajevo. They saw the attack as mere "probing." And they did not want to undermine the peacemaking efforts of Carl Bildt, the European negotiator, who had just arrived in the region. . . . After the NATO warplanes bombed the tank, the Serbs threatened to kill 32 Dutch peacekeepers they had taken hostage after seizing the battalion's observations posts. They had used the tactic with brutal efficiency in May and June, when they terrorized NATO into halting air strikes by taking 400 other peacekeepers hostage.[403]

The two themes are strongly intertwined and form one coherent whole. Moreover, the best example of this regularity is an article in *The New York Times*, published on October 29, 1995. It provides a detailed retroperspective analysis of events, which is why it is a comprehensive and illustrative portrayal of the monolithic narrative of the fall of Srebrenica:

> As General Mladić made his threats, 15,000 people - mostly the men, including the local soldiers - gathered on the outskirts of Srebrenica, not willing to trust their lives to the United Nations or to the Serbs. Safety lay a three-day trek away, through Serb-held territory. The long march began just before midnight.
>
> The remaining refugees, as many as 25,000 jammed into the Dutch camp in Potočari, were seized with panic. Some of the women were abducted by Serbian soldiers and raped, witnesses have said. On the night of the 11th, United Nations soldiers heard screams and gunshots. Later, they found the bodies of at least nine men, shot in the back of the head.
>
> General Mladić arrived at Potočari on the morning of Wednesday, July 12, with a convoy of 40 trucks and buses and a video crew. His soldiers ordered the refugees aboard, separating the men from the women. The peacekeepers stood by.
>
> "No panic, please," the general said, smiling, handing a child a candy bar, in a video clip broadcast around the world. "Don't be afraid. No one will harm you."
>
> Another tape made the same day but never shared with the world's networks showed a more chilling scene. In it, a Serb soldier shouts at the male refugees: "Come on, line up, one by one! Come on! Faster, faster! Go, go, go!"
>
> One witness who recorded the fear of the town that day was Christina Schmidt, a German-born nurse who led the Srebrenica team from the French group Doctors Without

403 Ibid.

Borders. She sent her account by radio to her organization's Belgrade office, which relayed it to the world press.

"Everybody should feel the violence in the faces of the B.S.A. soldiers directing the people like animals to the buses," she wrote in her journal for July 12, referring to the Bosnian Serb Army. "Everybody who could have stopped this mass exodus should be forced to feel the panic and desperation of the people."

"A father with his one-year-old baby is coming to me, crying, accompanied by B.S.A.," she continued. "He doesn't have anybody to take care of the baby and B.S.A. selected him for . . . ? It's a horrible scene - I have to take the baby from his arm - writing down his name and feeling that he will never see his child again". . . . Hurem Suljic, an invalided 55-year-old carpenter with a withered right leg, thought the Serbs would allow him on the buses taking the women, children and elderly to safety at a United Nations air base at Tuzla, 50 miles away. But when he and his wife, daughter, daughter-in-law and 7-year-old granddaughter approached the buses through a corridor of Dutch peacekeepers, he was snatched by a Serbian soldier. He was taken to a partly finished house jammed with men the Serbs had pulled out of the lines.

About 7 P.M., General Mladić appeared. "Good day, neighbors," he said cordially. The men demanded to know why they were being held. The general said he was going to trade them to the Bosnian Government for Serbian soldiers who had been captured.

The men were taken outside, led past United Nations peacekeepers and loaded onto buses again. They went to Bratunac, on the border with Serbia. There they were put into a dilapidated warehouse, about 50 feet by 25, with a dirt floor. Several more busloads of men arrived, until about 400 men were crammed in.

A Serbian soldier began shining his flashlight into their faces. "He would shine his light around, then pick on one person," and order him outside, Mr. Suljic said. "He seemed to pick the younger and stronger men."

Screaming - "a specific sound, like the sound when you slaughter an animal" -- came from outside the warehouse, Mr. Suljic said. He said 40 men were taken out and beaten. Ten were thrown back. In the morning, five were dead.

That morning, the 13th, the prisoners heard vehicles approach. A Serbian soldier demanded 10 volunteers from the group. No one spoke up; the men were sure that they would be forced to bury the bodies of those beaten to death, Mr. Suljic said. The Serbs then picked 10 men for the task. They went outside. They did not come back.

Later in the day, Mr. Suljic heard more vehicles arrive. Again came a demand for 10 volunteers. Again the vehicles left, and the 10 did not return.

Early in the evening, General Mladić appeared again. "We yelled at him, 'Why are you holding us here, why are you killing us?'," Mr. Suljic recalled. The Serbian military leader replied that it had taken him a while to reach an agreement on the exchange of prisoners, but that it had been arranged.

The men were taken outside and loaded onto buses. Mr. Suljic saw General Mladić giving orders to the soldiers. After dark, the buses headed toward Zvornik, also on the border with Serbia. Just before Karakaj, the buses turned left and stopped at a school, probably near a town called Krizevici.

The men were taken into the gymnasium. Soon another vehicle came and more men were shoved into the gym. They kept coming -- perhaps 2,500 in all, Mr. Suljic said.

About noon on the 14th, General Mladić came again. He told the men that he had

not been able to work out a deal with their Government to trade them for Serbian prisoners. He left, and soldiers began taking the men out of the gymnasium in groups, blindfolding them as they were led out. Mr. Suljic was taken out at nightfall. He was the last of the 25 or 30 men to board his truck.

The truck moved slowly along a dirt road. Mr. Suljic said he had pushed up his blindfold and had seen a field filled with bodies. Around the bend, more bodies. Then the truck stopped. The men were ordered out.

They were put in rows four abreast. From behind, the Serbian soldiers began shooting. Men fell on top of Mr. Suljic, who escaped being hit. As he lay on the grassy field under the bodies, trucks kept coming, each with 25 or 30 more men. The men were taken out, lined up and shot. Mr. Suljic said he had seen it all clearly under the full moon.

General Mladić returned, stood by while a fresh truckload of men was shot, and left, Mr. Suljic said. More groups of men were brought and killed. Finally, Mr. Suljic said he heard some Serbs saying, "Everything is finished; nobody is left."

Then he saw heavy machines working. They were backhoes, digging big graves. . . . On the 13th, General Mladić came. "You know it's not pleasant to make war with Serbia," Mr. Huseinovic quoted the general as saying.

Then a Serbian commander marched the men, in a column about a third of a mile long, toward Bratunac. At Kravica, near Mr. Huseinovic's village, they were jammed into an agricultural warehouse. Then the Serbs began shooting through the windows, with automatic rifles, and firing shoulder-held grenade launchers.

They were "playing with us," he said. They would shoot for a while and then stop. When they would hear moaning, they would come back and shoot some more. One man, delirious, kept calling a friend's name. A Serbian soldier shouted an obscenity about the man's "Turkish mother" and shot him. Another man was crying for water. A Serb shouted an obscenity about Muslims, and shot him.

"Some of us yelled, 'Why don't you just kill us all?'," Mr. Huseinovic said. He saw about 20 bodies in the room; he covered himself with two of them. He heard a Serbian soldier say, "Everybody is dead in here."

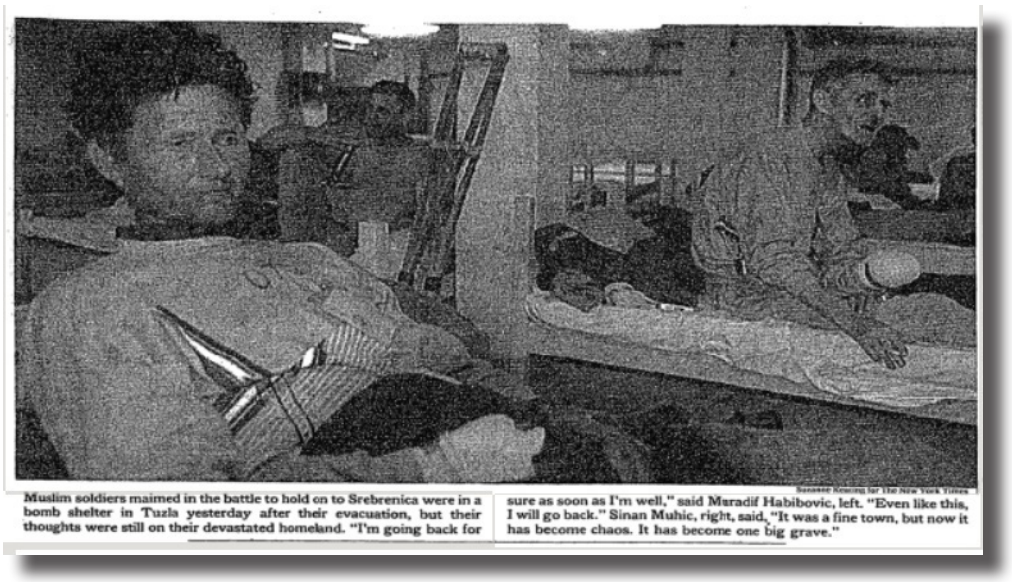
The next morning, the 14th, the Serbs called into the warehouse and said that anybody who was not wounded should come out and would become part of the Bosnian Serb army. Some men did go out. They were put on trucks. The Serbs then said the wounded should come out, and they would be taken to a hospital. Some men did.

"I heard shooting," Mr. Huseinovic said. "I heard screaming. Then it was silent. They killed them all."

No one is sure precisely how many people died in the fields and woods surrounding Srebrenica. American intelligence analysts estimate the number at between 5,000 and 8,000.[404]

Finally, visual contents emphasized the sufferings in Srebrenica (it should be noted that the Guardian did not contain visual content).

404 "Massacre in Bosnia; Srebrenica," *The New York Times*, October 29, 1995.



Muslim soldiers maimed in the battle to hold on to Srebrenica were in a bomb shelter in Tuzla yesterday after their evacuation, but their thoughts were still on their devastated homeland. "I'm going back for sure as soon as I'm well," said Muradif Habibovic, left. "Even like this, I will go back." Sinan Muhic, right, said, "It was a fine town, but now it has become chaos. It has become one big grave."

Above is an image from a *New York Times* article.[405]

Srebrenica: The Days of Slaughter

The following article is by Stephen Engelberg and Tim Weiner with further reporting from Raymond Bonner in Bosnia and Jane Perlez in Serbia.

WASHINGTON, Oct. 28 — On the afternoon of July 10, soldiers of the Bosnian Serb army began storming Srebrenica, a city of refuge created by the United Nations, where more than 40,000 people sought shelter from war. A United Nations officer in the town hunched over his computer and tapped out a desperate plea to his leaders in Geneva:

"Urgent urgent urgent. B.S.A. is entering the town of Srebrenica. Will someone stop this immediately and save these people. Thousands of them are gathering around the hospital. Please help."

Nobody did. As the Western alliance stood by, the eastern Bosnian city was overrun. What followed in the towns and fields around

THE AGONY A Muslim woman from the Bosnian town of Srebrenica cried out after arriving at a refugee camp in July.

THE VICTIMS Bosnian Serbs guarded captured Muslim men after the fall of Srebrenica. The scene was photographed by a Serbian television cameraman and later broadcast on the BBC.

MASSACRE IN BOSNIA

A special report.

Srebrenica is described by Western officials and human rights groups as the worst war crime in Europe since World War II: the summary killing of perhaps 6,000 people.

As recounted by the few Muslims who survived, the killing was chillingly methodical, part mass slaughter, part blood sport.

The Muslim men were herded by the thousands into trucks, delivered to killing sites near the Drina River, lined up four by four and shot. One survivor, 17-year-old Nezad Avdic, recalled in an interview this week that as he lay wounded among the dead Muslims, a Serbian soldier surveyed the stony, moonlit field piled with bodies and merrily declared: "That was a good hunt. There were a lot of rabbits here."

Serbian civilians interviewed this week in the villages around Srebrenica confirmed for the first time the mass killings carried out in their midst.

They pointed out the schools that were used as holding pens for the doomed Muslims — including

Continued on Page 14, Column 1

Above are visual contents from a *New York Times* article.[406]

405 Sudetic, "Wounded Muslims."

406 "Massacre in Bosnia; Srebrenica," *The New York Times*, October 29, 1995.

3.2.3.8. Srebrenica: The general image - Conclusion

Though there were but a few of them, articles reporting exclusively on Srebrenica provided a strong basis for several conclusions:

First, the Muslim/Bosniak side was presented as the defender – each military action was shown in the context of defending themselves from the Serb side. Descriptions of a hard humanitarian situation were additional evidence of such characterization.

Second, the Serbian side, as the attacker, was presented in a negative context – VRS forces were the ones that violate UN resolutions, truce, and agreements, and its basic goal was ethnic cleansing (and genocide) and the like.

Third, defining the Serbian side as the aggressor, together with its negative characterization, implicates that the Muslim/Bosniak side was the good side. In other words, the image is black-white: there is an aggressor (the Serbian side) and the defender (the Muslim/Bosniak) side. The rare and disparate information was immediately explained. For example, the prevention of the evacuation by Muslim forces was explained by mentioning fears that the move would facilitate the fall of Srebrenica:

> A UN relief convoy reached Srebrenica yesterday hoping to evacuate the wounded and desperate civilians, but Muslim forces prevented the evacuation, insisting that the departures would render the town an even easier quarry for the Serbs who intend adding Srebrenica to the list of east Bosnian towns they have overrun in the past year. Some 500 wounded are believed to be trapped there, with five dying every day for lack of medical facilities.[407]

Also, the reviewing of the reasons why foreign officials were dealing with Srebrenica and evidence of the alleged massacre was an isolated case that was quickly refuted in the next texts:

> The release of evidence pointing to a massacre comes at a time when the US and Germany are being criticised by Britain and France for taking an indulgent attitude towards Croatia after its offensive against rebel Serbs within its borders in the Krajina region. UN officials describe the exodus of tens of thousands of Krajina Serbs as one of the biggest humanitarian disasters in the war. The American accusations shift the burden of ethnic cleansing at its most extreme form – in this case, in Bosnia – squarely back to the Serbs. UN spokesmen in the former Yugoslavia have voiced the suspicion that the spy photographs and other evidence – which they consider insufficient to prove that there are mass graves at Srebrenica – are being presented now to deflect attention from Croatia's expulsion of the Krajina Serbs. Last month, the UN's chief human rights investigator in the former Yugoslavia, Tadeusz Mazowiecki, resigned in protest at what he described as the West's abandonment of tens of thousands of Muslim civilians at Srebrenica and Žepa. Mr Mazowiecki said his efforts to alert the world to war crimes against Muslim civilians were being undermined by others in the UN

407 Traynor, Black and Bates, "Mass panic as Serb noose tightens on Srebrenica."

> who had played down the extent of atrocities. But UN officials say they cannot verify reports of massacres because they have not been allowed access to those areas.[408]

Fourth, foreign actors were described as passive observers. This characterization further reinforces the aforementioned descriptions of the attacker and the defender. The reader is therefore offered one and exclusive interpretation – the essential reason for the fall of Srebrenica and subsequent crimes was the unwillingness of Western and international actors to use force against the "bad guys", that is, against the VRS.

The analyzed way of reporting of the Srebrenica events can be reduced to two complementary messages - there is clear evidence of a crime by Serb forces, that must bear responsibility:

> The US believes there is already evidence to make concrete charges of atrocities. US officials yesterday described the Bosnian Serb leaders, Radovan Karadžić and General Ratko Mladić, as war criminals and bloodthirsty killers.[409]

The described double message would be the core of practically all recalls of the fall of Srebrenica.

4. General conclusion

The researchers have started from one clear assumption – reporting on the events that led to the war and the war itself in BiH was biased if the suffering of one ethnic group at the expense of another was emphasized and/or if one side was consistently portrayed as an attacker, criminal, and aggressor.

This, simple and common-sense assumption had to be concretized into verifiable hypotheses:

- The Serb side was predominantly portrayed as an attacker compared to the Croat and Bosniak / Muslim sides,
- the Serb side was predominantly portrayed as an aggressor compared to the Croat and Bosniak / Muslim sides,
- the Serb side was predominantly portrayed in a negative context (use of negative epithets) compared to the Croat and Bosniak / Muslim sides.

Having in mind that the conflict in BiH was extensively covered by the media, the

408 Tran, "Spy pictures 'show Bosnia massacre'."
409 Borger, Traynor and Pick, "UN confirms Bosnian massacre."

researchers had to implement strict selection criterion in the methodology. In this regard, two dailies representing the leading news agencies in the Anglo-Saxon-speaking area (*The New York Times* and *The Guardian*) were selected. The justification for the selection of these daily newspapers and their influence is also the fact that *The New York Times* has received over 120 Pulitzer prizes, which is more than any other daily newspaper has, while *The Guardian* has won the British Press Awards four times. Daily newspapers and weeklies from other countries were not considered due to restricted human resources and time limitations.

The same goes for the media whose basic format is audio-visual reporting. Considering that, the researchers set out to form a database of all articles related to reports on the Serb side prior to and during the war in BiH. This defined article selection criterion (explicit mention of the relationship between Serbs and other ethnic groups in BiH and specific actions taken against Serbs in BiH) gave us the necessary flexibility in forming the database – selected texts were of very diverse formats and contents (e.g. from readers' letters, to field reports, to critical recapitulations). Also, the combination of qualitative (thematic) and quantitative (computerized) analysis has allowed for the formulation of very precise conclusions about how media bias manifests.

At the same time, this sampling criterion resulted in enormous engagement and the formation of a database whose scope, as far as researchers are aware, has not been reported so far. This analysis stands out as different from the others because the researchers based their conclusions on an analysis of all articles related to the period before the war and the war itself in BiH which were published in the two dailies that were the subject of the research. To complete this entire task, which involved forming the database and carrying out the analysis, the researchers had only four months, which was largely an aggravating factor. Despite this, the number of analyzed articles allowed for robust conclusions and clear guidelines for further media research to be made. It should be emphasized that a research of media from other foreign countries (France, Germany, Russia, etc.) would significantly contribute to understanding how the events that led to the war and the war itself in the BiH were reported on across the globe.

Finally, it should be emphasized that all three of the above hypotheses were confirmed, both through the analysis of the entire database of articles and through thematic clusters that ranged from specific historical events to certain time intervals of historical significance. Nevertheless, research results should not be interpreted as definitive answers. The reason for this is the fact that the formed database of articles refers only to the events that led to the war and the war itself in BiH, with an emphasis on the image that was formed of Serbs in that period.

It should be noted that the researchers could not single out a certain number of articles, due to objective reasons (poor resolution of scanned texts, destroyed and/or missing pages, etc.), which means that there is room to enrich the database. Nevertheless, the researchers believe that, as a whole, their endeavor was carried out competently and that the results obtained will serve as a basis for further research.

Acronym List

Acronym	Definition
ABC	American Broadcasting Company
ADA	Americans for Democratic Action
AFL	American Federation of Labor
AOL	America Online
APC	Armored Personnel Carrier
AT&T	American Telephone and Telegraph
AWACS	Airborne Warning and Control System
BBC	British Broadcasting Corporation
BiH	Bosnia and Herzegovina
BND	Bundesnachrichtendienst (Federal Intelligence Service)
BSA / B.S.A.	Bosnian Serb Army
C.I.A.	Central Intelligence Agency
CBS	Columbia Broadcasting System
CCF	Congress for Cultural Freedom
CEO	Chief executive officer
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CNN	Cable News Network
D.C.	District of Columbia
DNA	Deoxyribonucleic acid
EC	European Community
EFTA	European Free Trade Association
EU	European Union
FF	French Franc

FOIA	Freedom of Information Act
GATT	General Agreements on Tariffs and Trade
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IGC	Inter-Governmental Conference
IMF	International Monetary Fund
IRA	Irish Republican Army
ITN	Independent Television News
ITV	Independent Television
IWG	Interagency Working Group
KGB	Committee for State Security (Komitet Gosudarstvennoy Bezopasnosti)
LIWC	Linguistic Inquiry and Word Count
LM	*this acronym is variously said to be short for* Leisure Magazine, Leisure Monthly, or the pseudonymous Lloyd Mangram
MA	Master of Arts
MGM	Metro-Goldwyn-Mayer
MGM/UA	Metro-Goldwyn-Mayer/United Artists
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NBC	National Broadcasting Company
NBC	National Broadcasting Company
NGO	Non-governmental organization
NHC	Norwegian Helsinki Committee
NIOD	Nederlands Instituut Voor Oorlogsdocumentatie (Netherlands Institute for War Documentation)
NODIS	NASA Online Directives Information System
n.p.	no place
NSA	National Security Agency of the United States
P.M.	After midday (Post Meridiem)

PLO	Palestine Liberation Organization
PM	Prime minister
PR	Public Relations
RAND	Research and development
RFE	Radio Free Europe
RFL	Radio Free Liberty
RL	Radio Liberty
SAS	Scandinavian Airlines
SD	Sicherheitsdienst (Security Service)
SFRY	Socialist Federal Republic of Yugoslavia
SS	Schutzstaffel (Protection Squadron)
TBS	Turner Broadcasting System
TNC	Transnational corporation
TNT	Turner Network Television
TV	Television
UDA	Union of Democratic Americans
UHF	Ultra high frequency
UK	United Kingdom
UN / U.N.	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force
UPI	United Press International
US / U.S. / USA	United States of America
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
VOA	Voice of America
VRS	Vojska Republike Srpske (Army of the Republic of Srpska)
WTBS	Turner Broadcasting System
WWII	World War II

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Chapter XI

General Conclusions

This Report reflects the findings of the *Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995,* whose work was authorized by, but independent of, Republika Srpska with the mandate of addressing critical issues in connection with the popular perceptions surrounding Srebrenica during the 1992-1995 war in Bosnia and Herzegovina. The Commission is independent in that it does not reflect the joint efforts of any particular institution, be it governmental, academic, legal, or any other form of NGO. Members were selected by virtue of their particular expertise in relevant disciplines and are solely responsible for their contributions to the overall Report. Toward this end, the international members worked independently, individually or with their team, to examine the available facts surrounding the events that occurred in the Srebrenica region during the war years. All avenues of data and information were pursued in order to gather relevant material, despite the fact that some avenues of inquiry were not forthcoming. Nonetheless, best efforts were made by each member in his or her pursuit of providing a comprehensive examination of the facts relevant to the Commission mandate.

The multidisciplinary composition of the Commission resulted in different approaches and research methodologies. In addition to published sources and reference works, documents presented before the International Criminal Tribunal for the former Yugoslavia during various court proceedings were also largely used. During the reconstruction of the events related to July 11, 1995, primary sources were used to the greatest extent, while secondary sources were used only in those cases when there were no primary sources available. Only those documents that were created during or immediately after the events that are being written about are considered primary sources. In this case, the most relevant sources are those made by the parties to the conflict, documents of military or civil security bodies or foreign organizations, such as the United Nations and so forth, which observed the conflict and whose representatives had information from the field. During the writing of the Report, other relevant sources were used, such as databases and the like.

The Commission's media content analysis was performed in accordance with international scientific standards, and was organized as a quantitative analysis dealing with the time frame from 1991 to 1995, that is the period before the start of hostilities in Bosnia and Herzegovina and the period of the war. The media content analysis team analyzed 10.000 pages of two mainstream newspapers, The New York Times and The Guardian. Their finding testifies to a more or less one-sided interpretation of the war events portrayed in these influential Western media.

Furthermore, the President of the Commission, on behalf of all its members, in order to investigate the suffering of all peoples during the specified period as objectively as possible, gave instructions to send certain institutions, at the level of Bosnia and Herzegovina (BiH) and both its entities, official requests for access to information relevant to the Commission's research, and those institutions were the Federation of Bosnia and Herzegovina Ministry of Internal Affairs (FBiH MUP), the Federal Pension and Disability Insurance Institute, the Missing Persons Institute of Bosnia and Herzegovina, the Intelligence and Security Agency of Bosnia and Herzegovina, the Federal Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, the Ministry of Defense of Bosnia and Herzegovina, the Potočari Memorial Centre, the Tuzla Canton Ministry of Internal Affairs (Tuzla Canton MUP), the Institute for the Research of Crimes Against Humanity and International Law at the University of Sarajevo. In its response, the FBiH MUP stated that, acting upon our request, it had requested the information from the responsible organizational unit of their Administration, the War Crimes Investigation Center, which sent us a response, informing us that they had determined that they did not have the requested data. In its response, the Tuzla Canton Ministry of Internal Affairs referred us to the Missing Persons Institute of Bosnia and Herzegovina, to which an official request has already been sent and whose response is still pending. The Federal Pension and Disability Insurance Institute, the Ministry of Defense of Bosnia and Herzegovina, and the Potočari Memorial Center refused to allow us access, stating that it is not within their jurisdiction to make a decision regarding access to the requested information, that is, to publish information at the request of individuals and legal entities. We are still awaiting official answers, as was already mentioned, from the Missing Persons Institute, as well as the Intelligence and Security Agency, and the Federal Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War.

Unfortunately, this has greatly hampered the work of the Commission, especially when it comes to investigating the suffering of the Muslim/Bosniak population. Despite the above, the Commission organized a field research and photographing of the memorial to Muslims / Bosniaks killed during the period between 1992 and 1995. In accordance with that, additional efforts were made and field work was done on photographing memorials, *türbes*, memorial fountains (*hajr česme*) and similar memorials at known locations. All photographs are attached to the Report. The Commission received significant assistance in its research from the Government of the Republika Srpska Center for Research of War and War Crimes and

the Tracing of Missing Persons which provided us with all documentation and materials they had at their disposal, which greatly helped us to collect information about the suffering of Muslims/Bosniaks and Serbs in this region. Combining all the above research methods and means of investigation, the Commission was able to examine and analyze the basic aspects and context of the tragic events and, to the greatest extent possible, to process and shed light on key events and developments in the region that occurred during the specified time period. Of course, the Commission is aware that researching each individual event and victim would require many years of systematic research by a much larger number of experts, and in this regard encourages all scientific institutions and organizations as well as individuals from the scientific community to, on the basis of the results of the Commission's research, conduct their own objective and professional researches, all with the aim of discovering accurate facts about these tragic events that should contribute to better mutual understanding and trust and ultimately to future reconciliation.

Historical Context

The Middle Podrinje is an area located in the east of Republika Srpska and Bosnia and Herzegovina. It encompasses an area of approximately 1,700 km^2 and extends over the territory of five municipalities: Srebrenica, Bratunac, Milići, Vlasenica, and Zvornik. According to the census of 1971, this region had 147,703 inhabitants, 79,782 (or 54%) of whom were Muslims, while 65,938 (or 44.64%) were Serbs. Just before the conflicts in Bosnia and Herzegovina started, in 1991, the Middle Podrinje had 185,714 inhabitants, 115,558 (62.22%) of whom were Muslims, 66,055 (35.56%) Serbs, while the rest were Croats, Yugoslavs, and other minorities. Srebrenica and the Middle Podrinje do not represent a separate political, social, economic and cultural entity, thus, it was impossible to observe it separately, whether temporally or spatially, but instead it had to be observed within the context which includes broader historical factors.

Bosnia was first mentioned in the works of the Byzantine emperor Constantine VII Porphyrogenitus in the 10th century, as a territory within, as he stated, the Baptized Serbia (the population of Serbs baptized into the Orthodox faith). During the following two centuries, this area saw a succession of governments of various historical players, from Samuil's empire, to Byzantium, to the Serb state formed in the territory of what is now Montenegro, and then, eventually, in the late 12th Century, the unified Serb ethnic area was split into two states, Raška and Bosnia, which remained an historical constant until the Ottoman occupation in the mid-15th century.

In this era, the Middle Podrinje region developed under the influence of Srebrenica, which was first mentioned in writing by that name in the 14th century. During the era of advancement in medieval Bosnia, Srebrenica was the leading industrial center in the country, which brought the sovereign profits three times greater than any other industrial center in the country.

The Ottoman occupation of the medieval Bosnian state brought forth two important and interdependent social changes. Those were the changes to the feudal system and to the religious composition of the population. Under the Ottoman understanding of property, all land was owned by the sovereign and loaned to the so-called *timariots* to use in exchange for military service. At the same time, the Ottoman Empire recognized religions based on the Bible, but unlike Muslims, according to the Sharia law, Jews and believers of various Christian denominations were regarded as second-class citizens and exposed to a number of discriminatory policies; to use a contemporary expression, their political rights depended on the specific decision of the holder of Muslim power. As the Ottoman government only had confidence in Muslim *timariots* who influenced the old landowners, who were accepted into Ottoman service after the occupation, to convert to Islam, which was the beginning of the process of Islamization. This process reached its peak in the first half of the 16th century, leading to a key change in the religious composition of the population, which also had social consequences. Given the scale of the process that took place during a relatively brief period of time, we can conclude that it was conducted under existential pressure on the population.

In this era, the center of Middle Podrinje was no longer Srebrenica but Zvornik, while Srebrenica turned into an Oriental borough with no political or economic significance, as a consequence of its mining industry being slowly destroyed. Its fate was sealed during the Great Turkish War (1683-1699), when Ottoman troops withdrew from the town and burned it to the ground on their way out. Generally speaking, the Middle Podrinje region was only significant to the Ottomans during the periods when it was on the very border of the Empire, which was during the conquests in the second half of the 15th century and during the 19th century.

Apart from these elements, many nationalist movements, striving for national and social liberation and the formation of a nation-state, emerged in the Balkans in the early 19th century. This process began with the Serbian Revolution in 1804 that resulted in the creation of the Principality of Serbia, which was nominally dependent on the Ottoman Empire until 1878, and formally and legally it became an independent state in 1878. As early as the 1830s, it had abolished the feudal system within its boundaries, which, in addition to evoking undeniable nationalist zeal, represented another important element in forming national policies in other regions of the Ottoman Empire in which Serbs were a majority. Bosnia and Herzegovina was one such region. The increasing pressure on the Serb peasants, as well as the increasingly clear national vision, resulted in multiple uprisings against the Ottoman rule in this region during the 19th century. The most significant among them was the uprising of 1875-1878 that was an integral part of the Great Eastern Crisis, which was ended at the Congress of Berlin, a meeting of the great powers. At this Congress, Serbia and Montenegro gained international recognition, while Bosnia and Herzegovina were placed under the supervision of the Austro-Hungarian Empire.

Bosnia and Herzegovina were, in a sense, a *corpus separatum* within a dual state administration system under the authority of the Joint Ministry of Finance of the Austro-Hungarian Monarchy. The basic idea of the Finance Minister, Benjamin von Kállay, who, essentially was in charge of Bosnia and Herzegovina for around two decades (1882-1903) as a colonial governor, was to keep these regions as isolated as possible from the new Serb states of Serbia and Montenegro, and to nurture a separate and common Bosnian / Bosniak identity in those same regions. The most suitable ally in the realization of this idea were the remains of the Muslim social strata of *beys*, who, as the Muslim population was no longer a majority in the region, maintaining their social and political supremacy through land ownership. For this reason, the agrarian reform was not implemented in Bosnia and Herzegovina, causing these provinces to maintain a feudal social system until the end of Austro-Hungarian rule. All this was met with resistance from the Serb political elite.

Apart from this, the new sovereign in Bosnia and Herzegovina colonized the areas bordering Serbia by settling Roman Catholics from other parts of the Empire there, thus breaking up the area with a relative Serb majority. Simultaneously with the colonization of the Roman Catholic population, there was an organized departure of Muslims from the territory of BiH, for they did not want to live under the rule of a Roman Catholic monarchy, thus they moved to those parts of the Balkan Peninsula that were still under the control of the Ottoman Empire.

This Austro-Hungarian policy, which included a change in the national composition of the population in the areas bordering Serbia, was in full swing during World War I. As early as 1906, the Austro-Hungarian military circles had decided that a future attack on Serbia would have to happen across the Drina River, even though this direction was far less favorable than the direction across the Sava and the Danube. Thus this decision was supposed to prevent a potential Serb uprising in Bosnia and Herzegovina and make use of the situation in which the people would find themselves when Podrinje became the zone of direct military operations for the persecution of the Serbs. This was exactly how it occurred.

One month after the assassination of Austro-Hungarian Crown Prince Franz Ferdinand in Sarajevo, Austria-Hungary declared war on the Kingdom of Serbia on July 28, 1914. Although Austro-Hungarian officials claimed the Kingdom of Serbia was responsible for the assassination, this premise was never proven. Austria-Hungary presented the Sarajevo assassination as the cause of the war, while, in fact, it was only using that as an excuse to attack the Kingdom of Serbia. Soon after the declaration of war, the Austro-Hungarian authorities began to take prominent Serbs throughout Bosnia and Herzegovina hostage. Among the first to be arrested was the Srebrenica priest Drago Urošević, who was interned in the Arad camp.

During World War I, a large number of Podrinje Serbs ended up in camps (such as Doboj, Arad and Nežider) located in various parts of the Austro-Hungarian Empire. The Sopronnyék camp, today's Neckenmarkt, in the Austrian province of Burgenland, was par-

ticularly painful to remember for the Serbs from Podrinje. Women and children from eastern Bosnia, as well as from Herzegovina, were mostly sent to this camp. According to the data we have, out of 1,056 murdered Serbs in this camp, as many as 435 victims were children under the age of 6 years.

On December 1, 1918, after the victory of the Allied forces in World War I, the Kingdom of Serbs, Croats and Slovenes was founded.

The period between the two world wars, when it comes to the area of Bosnia and Herzegovina, was marked by agrarian reform which finally disempowered the remnants of the Ottoman *bey* strata, but the political traditions of Muslims were at that time upgraded by pan-Islamic ideas. On the other hand, the most important question, the one that the fate of the Kingdom of Serbs, Croats and Slovenes (SHS) / Kingdom of Yugoslavia largely hinged on was the Croat question. The bearer of Croat nationalism during this period was the Croatian Peasant Party. The representatives of the Ottoman *beys* that had been dispossessed by the agrarian reform, who mainly gathered around the Yugoslav Muslim Organization, after the death of their founder and longtime president Mehmed Spaho, began joining the Croatian Peasant Party hoping to regain economic and political status in the new country, and almost as a rule represented its right wing. In this way, there was a type of fusion of two ideologies that saw the realization of their goals in the disappearance of the Kingdom of Serbs, Croats and Slovenes (SHS) / Yugoslavia.

The Kingdom of Yugoslavia was attacked on April 6, 1941 by Germany and its allies, who soon after the military collapse and the capitulation of the Kingdom formed occupation zones on its territory. The Independent State of Croatia was established by the Ustasha on April 10, 1941, as a Nazi puppet state, and extended across the territory of present-day Croatia (excluding one part of Dalmatia, which the Ustasha had handed over to Italy on May 18 in accordance with the Roman Agreements), Bosnia and Herzegovina, and Srem. The emergence of this new Croatian state, under the historical conditions of the new order spearheaded by Nazi Germany, was seen as an opportunity to resolve the Serb issue in Croatia once and for all. Very early on, the Serbs were forbidden from using their national alphabet, their religion was renamed, their movement was restricted, and, additionally, racial laws were passed in accordance with which Serbs could be convicted for capital crimes solely on the basis of an assumption, and after a few months – which is how long it took for the central and local part of the government to be formed – the campaign of physical destruction of the Serbs began. It is important to note that the Jewish and the Roma people suffered the same fate in this area, in accordance with Nazi ideology and politics.

As the territories of Bosnia and Herzegovina was made part of the Independent State of Croatia, Muslim leaders started developing ideas about its autonomous status, within which the results of the social processes from the Kingdom of SHS / Yugoslavia era would be annulled, and the social order from the pre-Yugoslav era reaffirmed, leading to them once again

becoming the leading social strata in the state. Based on the interests formulated in this way, but also on the preexisting hatred they felt for the Serbs as the bearers of "Yugoslav-ness", the majority of the Muslim political elite put themselves at the service of the new state, in which they became part of the Croatian political people of Catholic, Protestant, and Muslim faiths. Some time later, after it had become clear that the Muslims in the Independent State of Croatia would not be granted autonomy, a part of Muslim politicians sought autonomy for Bosnia and Herzegovina under the protection of the Third Reich, which led to the creation of the 13th Mountain Division of the SS *Handschar* (*handschar* – knife, dagger).

During this period, the Serbs in Srebrenica, as well as in the Middle Podrinje met with the same fate as Serbs in the entire Independent State of Croatia throughout the course of a genocide that was committed against them. Immediately before the beginning of World War II, an equal number of Serbs and Muslims were living in the Srebrenica district. Local Muslims came to power in the Podrinje districts and organized mass killings and persecutions of Serbs. During the first month of the rule of the Independent State of Croatia, six priests of the Serbian Orthodox Church were killed in the archdiocese of Vlasenica-Srebrenica. In July and August 1941 alone, approximately 110 Srebrenica Serbs were killed.

In August 1941, there was an uprising of the Serbs in the area of the Middle Podrinje aimed at preventing the genocide which was being carried out by the Independent State of Croatia authorities. During the autumn and winter of 1941, the insurgents were divided on ideological grounds. The monarchists acted as the Yugoslav Army in the Homeland and were called Chetniks, while those who fought under the leadership of the Communist Party of Yugoslavia were called partisans.

In January 1942, a large-scale German, Ustasha, and Croatian Home Guard offensive on the insurgent area began. The disunited insurgent forces, divided and quarreling among themselves, were unable to resist a far stronger adversary. A new mass killing of Serbs in Podrinje and the Srebrenica district followed. During this period, the first Chetnik retaliations took place in the Middle Podrinje, in which Muslim civilians were also killed. The Chetnik retaliations against the Muslims occurred mainly after mass killings of Serbs. The great crimes of the Chetniks against the Muslims were committed in the region of the Upper Podrinje, especially in Foča.

April 1942 is a black month in the history of the Podrinje Serbs. After the withdrawal of the German 342nd Division, which was sent to the eastern front, Jure Francetić's infamous Ustasha Black Legion, consisting of a large number of local Muslims, came to the territory of eastern Bosnia and began the systematic destruction of Serbs in the Middle Podrinje. The Serbs tried to find salvation in Serbia and were fleeing towards the Drina River, but many of them were captured and often brutally executed on the banks of this river. According to the estimates of the National Commission for Determining Crimes in Bosnia and Herzegovina, between 4,000 and 6,000 Podrinje Serbs were killed in April and May alone.

At the initiative of Heinrich Himmler, Commander of the Gestapo and SS units, as well as the creator of the Holocaust, and the Jerusalem Mufti Mohammad Amin al-Husseini, in 1943, the 13th Mountain Division of the SS *Handschar* was formed, which was a unit consisting of young Muslim men from Bosnia and Herzegovina. Members of the *Ulama* Association of Bosnia and Herzegovina, El Hidaje, and their youth section Young Muslims, who inherited the ideas of the pan-Islamic Muslim Brotherhood organization, played a key role in recruiting young Muslim fighters. The officer staff consisted predominantly of Germans, while the fighters were predominantly Muslims from Bosnia and Herzegovina with not many Croats and *Volksdeutsche*. After the completion of its training in occupied France and Germany, which lasted until February 1944, this unit was returned to the territory of Yugoslavia. Among the numerous data on various types of engagement of European Muslims on the side of Germany in World War II, it is stated that out of the total number of Muslim soldiers in the Wehrmacht, 35,000 to 40,000 were "Slavic Muslims" from Bosnia and Herzegovina and Sandžak and that, given that there were between 23,000 and 26,000 of them, they were the most numerous Muslim group in the *Waffen* SS units, even more numerous than the Soviet Muslim group.

In the period from March to October 1944, the *Handschar* Division committed serious crimes against Serbs, Jews, and Roma in the area of northern and eastern Bosnia. They particularly distinguished themselves by the killing of civilians, women, and children, as well as the elderly and infirm. The War Crimes Commission listed 1,803 names of persons who were killed in Bosnia and Herzegovina by this Division, districts of Bijeljina and Brčko excluded. It is estimated that in those two districts, where the *Handschar* Division headquarters were located for some time, around 5,000 Serbs were killed.

In World War II, out of all Yugoslav countries, Bosnia and Herzegovina had the highest number of casualties. The deaths were not limited to the battlefield alone, but rather, a large number of people died in the Holocaust and during the course of the genocide of the Serb and the Roma people which was carried out by the Independent State of Croatia. In terms of percentage, the Serbs made 74.40% of the total number of casualties in Bosnia and Herzegovina, Muslims followed with 15.18%, Jews with 5.27%, Croats with 3.55%, Roma with 1.66%, and people of other ethnicities with 1.12%. In accordance with the above, the Srebrenica area saw similar percentages of casualties, where Serb victims also represented a majority of 70.97%.

As the end of World War II was nearing, the Communist Party of Yugoslavia was finalizing the process of forming government. As the headquarters and the leadership of the aforementioned Party happened to be in the territory of Bosnia and Herzegovina, the foundations of the new Yugoslav state were established precisely in that area. During this period, Bosnia and Herzegovina, just like other federal units of communist Yugoslavia, developed as an integrated part of a single state under the command of the Communist Party of Yugoslavia.

It obtained the status of a federal unit in 1945, after a debate in the Party itself, because one part of the leadership believed that due to its Serb majority it should be a province within the Republic of Serbia. This process, which followed the Soviet model, was finalized in 1946 when the Constitution was adopted, which promised the citizens of Yugoslavia equality, regardless of race, ethnicity, language, religion, education, or social status. When it came to the promotion of national equality, it was most pronounced in Bosnia and Herzegovina since it was the only republic without a nation that constituted majority. For this reason precisely, the communists tried to present it as neither Serb, nor Croatian, nor Muslim, while at the same time it was to be the republic of all those peoples, borne on the wings of Yugoslav ideology.

A significant event from this period was the Yugoslav-Soviet split, that is, the Tito-Stalin split of 1948, which lead to a turnaround in the policy of the Yugoslav leader, Josip Broz Tito, which soon turned into the Yugoslav policy of non-alignment with the goal of maintaining a neutral position in world events. Non-alignment was, in essence, a logical path for the new policy of the Yugoslav leader, which was oriented towards countries of the Third World, since that was precisely where Yugoslav influence and dominance were most reflected. The new policy perhaps affected Bosnia and Herzegovina the most. With this move, Tito wanted to put himself at the head of the Third World countries and thus gain influence in world politics. Tito used the Muslims of Bosnia and Herzegovina to strengthen his position within the Non-Aligned Movement, in which Islamic countries were dominant. That is, he constructed an image through their role in Yugoslavia, and it would later become clear that they had made very good use of the position that they found themselves in. In this period, the Grand Mufti, the supreme Muslim leader in the country, would often make an appearance when welcoming foreign officials from non-aligned countries. In other words, he was building up an image of their role in Yugoslavia, and later it would become clear that they also used the situation in which they found themselves to their advantage. During this period, the Grand Mufti, the country's highest Islamic representative, began to appear more and more frequently when welcoming statesmen from non-aligned countries. In addition to this, the number of Muslims in almost all state and Party leaderships increased, and the role they were given in the domestic and foreign policy gave the Bosnian-Herzegovinian Muslims a collective self-confidence. From that period, Muslim religious affiliation was recommended to anyone hoping to climb the ladder in diplomacy, thus it was noted that in the mid-1970s, prominent Muslims from Bosnia and Herzegovina spent some time in several Arab countries as diplomats. It is clear that all of them were members of the League of Communists who should have, in accordance with the ideology of the party, renounced their religion, but they did not do that because the only thing about them that mattered to the Yugoslav policy was that they were Muslims. For those same reasons, Džemal Bijedić was elected Federal Prime Minister during that period, which in a way marked the beginning of an era of the rise of Muslims in Bosnia and Herzegovina and the strengthening of their positions both in Yugoslavia and in Bosnia and Herzegovina.

Put together, all of this led to the raising of national questions within the Communist leadership in Bosnia and Herzegovina. It has already been mentioned that the position of Muslims improved suddenly, and the position of their own national identity changed and improved in accordance with that. It is easiest to track this process through the population censuses, in which Muslims had initially declared themselves as Serbs or Croats, then as "undeclared Muslims", then "undeclared Yugoslavs", and from 1971 forward, the religious epithet "Muslim" started being used as a term denoting ethnicity. More precisely, the Muslim religion had become a national characteristic, validated by the 1974 Constitution, according to which the determinant "Muslim" was to be written with a capital "M" and was to denote ethnicity, which made them one of the formally recognized ethnicities in Yugoslavia. The crisis of the Yugoslavian identity was becoming increasingly more apparent during this period, since, despite the best effort of the League of Communists, this identity was not clearly defined and was a type of conglomerate of conflicting elements and systems. This can be seen from Alija Izetbegović's positions which he expressed in his Islamic Declaration, published shortly after Muslims were recognized as a nation, where he concluded that the society of Bosnia and Herzegovina can only survive if it embraces Islam, and the country itself can survive only if Muslims become the majority.

It is important to note that according to the 1971 census, for the first time since the modern censuses were organized, Serbs were not the majority in Bosnia and Herzegovina but instead the majority were Muslims with 39.6%. What permanently changed the national structure in Bosnia and Herzegovina, in addition to the key events from the time of the genocide in the Independent State of Croatia, were the occurrences from the period between 1945 and 1948 when the process of the colonization of Vojvodina was carried out under the leadership of the central communist authorities, that is, the resettlement of a mainly rural population from the area of Bosnian Krajina and Herzegovina to fertile arable lands in Banat, which had been abandoned by *Volksdeutsche* and Hungarian families, whether they wanted to leave or not. About 100,000 Serbs were relocated from Bosnia and Herzegovina during that period.

The change in the demographics of the country continued throughout the following period. In the 1950s and 1960s, an average of 16,000 people were leaving Bosnia and Herzegovina each year. During the constitutional reforms in Yugoslavia until the mid-1970s, the republics were given, as some considered, characteristics of states, and this had a particularly negative effect on Serbs, who at the time lived in Serbia, but also in Bosnia and Herzegovina, Croatia, and Montenegro. They saw the division of Yugoslavia by its internal republic borders, resembling parastate borders, as a discontinuation of their territorial and ethnic continuity, as well as having the potential possibility that they would eventually experience new sufferings, with a clear suspicion that this process would, sooner or later, result in them being separated by internationally recognized state borders and that they would find themselves in the position of being an endangered national minority. This also caused an exodus,

which gained new momentum, especially among the national elite, who, on the one hand, were people with the highest degree of education who could thus recognize political trends more easily, and on the other, were people who were most qualified professionally and who were the most mobile part of the population. Most of these internal Yugoslav migrants from Bosnia and Herzegovina were Serbs who went to live in Serbia. In the midst of such events and in the process of trying to form a "Bosnian-Herzegovinian" identity, Sarajevo became an environment aggresive towards any expressions of different identity opinions, primarily regarding the existence of Serb and Croatian identities in these areas.

From all of the above, it is clear that "Yugoslavia" was for the Muslims, as well as for the Slovenian and Croatian elites, a kind of a transitory historical smoke-screen which they used to build their own nation-states. While all of them, on the wings of the Yugoslav ideology, worked hard on building their own national interests and, ultimately, their own states, the Serbs tried to do the impossible – to build and preserve the common state of Yugoslavia.

Pre-War Years and Beginning of the Armed Conflict

In order to better understand the research topic, it must be understood that the Srebrenica region consists of five municipalities (Srebrenica, Bratunac, Zvornik, Milići, and Vlasenica), some of which were part of the Srebrenica enclave, and some of which were attacked from inside the enclave. Thus, the Srebrenica region is not a geographical term, but a geostrategic term used to better understand the events from the war because if we look at this region in that context, we notice that it clearly represented a whole in which the mentioned municipalities were largely turned towards one another.

National tensions in the Middle Podrinje region, especially in the areas of Srebrenica and Bratunac, were extremely high during the 1980s. On several occasions in 1989, certain Belgrade newspapers wrote about how the Serbs in the area of Srebrenica and Bratunac were endangered and about the forced displacement of Serbs from this region. A letter from 14 Serb fighters, veterans from World War II, which was sent to the Presidency of the Central Committee of the League of Communists of Bosnia and Herzegovina, said that nothing had been built in their villages since World War II, and that Serbs were being forced to send their children to schools in Ljubovija or Bajina Bašta, the neighboring municipalities across the Drina River in Serbia.

Due to extremely high tensions between Muslims and Serbs, in June 1990, a decision was made by the Yugoslav authorities to relocate territorial defense weapons from the area of the municipalities of Srebrenica and Bratunac. About 1,300 rifles and other materiel and technical equipment from the municipality of Srebrenica and a certain amount of it from the municipality of Bratunac were relocated to the barracks of the Yugoslav People's Army and Territorial Defense in other regions of Bosnia and Herzegovina.

After national parties in Bosnia and Herzegovina were established at the level of the republic, in the second half of 1990, the establishment of parties at the level of municipalities began. The founding assemblies of the Party of Democratic Action (SDA) and the Serbian Democratic Party (SDS) were held in Srebrenica on August 19, 1990. On that day, in Glogova (municipality of Bratunac) and Potočari (municipality of Srebrenica), stones were thrown at buses carrying Serbs who were on their way to the founding assembly of the SDS. All this resulted in barricades being put up and armed village guards appearing in some villages in the municipalities of Bratunac and Srebrenica, regardless of whether the villages were predominantly Serb or Muslim.

In the middle of 1990, the first paramilitary Muslim organization was established in Podrinje, in Ustikolina, near Foča. Members of that extremist group swore on the "Qur'an that they would fight in the name of Allah to defend their religion." In early 1991, the Patriotic League was established, which was the most organized Muslim paramilitary formation with the greatest number of members, and which was practically a military formation of the SDA that based its ideology on the postulates of the Muslim Brotherhood. One of the military branches of the Patriotic League was the Green Berets, established in Sarajevo on March 31, 1991. SDA members from Srebrenica, the President of the Municipal Assembly, Besim Ibišević, the Member of the Bosnia and Herzegovina Assembly, Ibran Mustafić, as well as the Chief of the Srebrenica Public Security Station, Hamed Salihovicć, were all involved in the work and activities of the Patriotic League.

The last attempt to resolve the crisis in Bosnia and Herzegovina peacefully came from the Portuguese ambassador to the European Community, José Cutileiro, who negotiated with all three national communities in Bosnia and Herzegovina in February and March 1992. After five rounds of negotiations, on March 18, 1992, the leaders of the three national parties, SDA, HDZ (Croatian Democratic Union), and SDS, signed a statement on the principles of new constitutional solutions for Bosnia and Herzegovina (Cutileiro Plan), according to which BiH was to remain within its borders as a single state with three constitutive units, each of which would belong to one of the three nations. According to the prepared maps, Muslims were to get 42 municipalities and 44% of the territory, Croats 20 municipalities and 12% of the territory, and Serbs 37 municipalities and 44% of the territory. Eighteen percent of Muslims, 59% of Croats and 50% of Serbs would have remained outside their national community, that is, outside the municipalities where they would be part of the majority. Just seven days after the signing of the agreement, representatives of the HDZ and the SDA decided to reject Cutileiro's plan and to start mechanisms for the creation of a unitary Bosnia and Herzegovina. By the decision of the President of the Presidency, Alija Izetbegović, dated April 3, 1992, and despite the opposition of the Serb member of the Presidency, the mobilization of TO (Territorial Defense) units from all municipalities and the city of Sarajevo was ordered, Patriotic League and Green Berets included.

In accordance with this decision, the mobilization of the Muslim population on the territory of the municipality of Zvornik started the very next day (on April 4). On the same day, Muslim TO forces took control of the town as the Crisis Staff of the Serb municipality of Zvornik withdrew to Karakaj, 3 km northeast of Zvornik. Fighting in the municipality of Zvornik between Muslim territorials, essentially members of the Patriotic League, on one side and the Yugoslav People's Army and Serbian territorials on the other, began on April 9, 1992. A significant number of Muslim territorials were located in Kula Grad, a suburb of Zvornik and a medieval fortress, which overlooks the town. From this dominant position, Muslim snipers kept the city under constant siege, and the battle for Kula Grad became the battle for Zvornik. In the face of fighting, during which both sides suffered casualties, civilians, both Muslims and Serbs, fled the area en masse.

During the same period, as the fighting in the vicinity of Zvornik continued, members of the Muslim Territorial Defense established a number of war police stations made up exclusively of Muslims in the territory of Srebrenica. A Tanjug correspondent reported on April 18, 1992, that heavy fighting had begun in the Srebrenica municipality between the Yugoslav People's Army and Serb territorials on one side and the Muslim TO forces on the other. In the village of Potočari, a group of Muslim soldiers under the command of Naser Orić, ambushed and killed five members of the JNA on April 20. During those days, there were civilian casualties among both Serbs and Muslims in Srebrenica.

In late April, the Yugoslav People's Army, assisted by Serbian territorials, managed to overcome the Muslim resistance at Kula Grad and to gain full control over the municipality of Zvornik. According to certain Muslim sources, 36 inhabitants of this Muslim village were killed during this operation in the village of Snagovo.

In early May, attacks by Muslim armed forces in the municipality of Srebrenica intensified. On the Orthodox holiday of Đurđevdan (St. George's Day), May 6, 1992, the Serb village of Blječeva in the municipality of Bratunac was attacked, as was the village of Gniona in the municipality of Srebrenica, which was torched by Muslim territorials who, while committing those acts, also killed five Serb civilians. The next day, 10 Serb civilians were killed in the immediate vicinity of the town center of Srebrenica, and on May 8, a deputy in the BiH Assembly, lawyer Goran Zekić, was killed in an ambush. The murder of Goran Zekić, the leading figure among Serbs from Podrinje, triggered reactions throughout Srebrenica and Bratunac. On the same day when Zekić was murdered, a mass exodus of Serbs from the urban part of Srebrenica began, and the next day Muslim units under the command of Naser Orić entered the town, taking control of it and mostly expelling and killing the few remaining Serbs.

In response to the murder of Goran Zekić and what was happening in and around Srebrenica, on May 9, 1992, Miroslav Deronjić ordered an attack on the village of Glogova, the strongest and largest SDA stronghold in the municipality of Bratunac. In the attack on the

village, 64 people of Muslim ethnicity were killed, some of whom were civilians. Miroslav Deronjić was sentenced to 10 years in prison for this attack before the Hague Tribunal,.

During May, June, and July 1992, there were still no clearly defined fronts between the warring parties, and for that reason there were a large number of civilian casualties on both sides.

One might say that certain villages were fortified points that were being defended mostly using personal means, that is, by village guards, armed mainly with infantry weapons, while the roads belonged to the military force that was moving along them at a given point in time. During this period, Serb civilians and village guards were killed in the villages of Međa (seven were killed and 10 were taken prisoner), Žutica (eighth), Rupovo Brdo (eight), Loznica (10), Ratkovići (18), Brežani. (19), Krnjići (18), Zagoni (14), Zalazje (45). Muslim villages also lost some of their people in these battles; namely, a number of people in Zaklopača (68 civilians and members of village guards), Nova Kasaba (29), Drinjača (35), and Donji Grbavci (69).

It is important to note that until July 29, 1992, Serbian paramilitary units "Yellow Wasps" (Žute ose) and "Pivarski" operated in the municipality of Zvornik, which are said to have killed at least 352 Muslims, almost all of whom were able-bodied men. These paramilitary units did not refrain from killing Serbs as well, if they opposed their intentions. The character and nature of these units can be deduced from the fact that they captured and abused the the Government of the Serbian Republic of Bosnia and Herzegovina Minister of Information, Velibor Ostojić, at their checkpoint at the entrance to the town. After this event, specially trained MUP (Ministry of the Interior) units from Pale, on July 29-30, 1992, arrested and drove out all members of these units from the territory of the Serbian Republic of Bosnia and Herzegovina. A large number of members of these units have been sentenced to years in prison before courts in Serbia and Republika Srpska for crimes they had committed against Muslim civilians.

Starting with the summer of 1992, Muslim Territorial Defense units from Srebrenica launched a systematic campaign of ethnic cleansing of Serb villages around Srebrenica, with the aim of capturing Bratunac and splitting Republika Srpska into two parts. During the summer and autumn of 1992, most of the Republika Srpska Army's forces were engaged in breaking through the corridor in Posavina, which ended the physical and economic blockade of more than a million people in Bosanska Krajina and the Serb Republic of Krajina, as well as fighting in Herzegovina, through which they prevented the Croatian army from capturing it. In conditions when the VRS (the Army of Republika Srpska) was still engaged in organizing and forming the Drina Corps, which was subsequently made up of units of other corps and some newly formed units from this region (the order to establish the Drina Corps was issued in July 1992, but the Corps did not function or begin to fulfill its combat role until November 1992), Muslim forces from Srebrenica carried out a series of systematic attacks and crimes in the Srebrenica region.

One of the larger Serb villages in Srebrenica, Podravanje, was attacked on September 24. During this attack, 31 civilians and members of the village guards were killed, several were captured, and the village was torched. The Serb village of Fakovići in the municipality of Bratunac was torched on October 5, and 28 civilians and members of the village guards were killed, 12 of whom were women. Only a few days later (on October 8), in the municipality of Zvornik, in the villages of Šetići and Malešići, 14 Serb civilians and members of the village guards were killed. A major attack by Muslim forces from Srebrenica on the Serb villages of Bjelovac, Sikirići and Loznica in the municipality of Bratunac was carried out on December 14, 1992. In this attack, 62 Serbs were killed, while many Serbs, mainly women and children, were taken prisoner. One group of women and children, 17 of them, was exchanged on February 6, 1993.

On a major Christian holiday, Christmas, on January 7, 1993, Muslim units from Srebrenica launched a large-scale attack on Serb villages in the municipality of Bratunac, particularly targeting the village of Kravica, and villages that gravitated towards the local community of Kravica (Ježestica, Kajić, Šiljković, Opravdići, Popovići, Mandići, Banjevići, Oćenovići, Rusići, Dolovi, and Jasikovača). It is estimated that between three and four thousand Muslim soldiers carried out this attack, while only a few hundred residents of Kravica and neighboring villages were engaged in the defense. During this attack, all Serbs were expelled, while the villages were destroyed, torched, and looted. Fifty-one civilians and members of the village guards were killed during the attack. A number of Serbs were captured and taken to Srebrenica.

In that same onslaught, and as part of a larger offensive against the municipality of Bratunac, on January 16, 1993, Muslim forces attacked Skelani. Serb civilians in the area were surrounded on three sides, and under pressure were expelled to Serbia, more specifically in the direction of Bajina Bašta, via the only existing route, across the bridge over the Drina River which was under constant sniper fire by Muslim forces. Those who could not cross the bridge, tried to swim across the river. Fifty-seven civilians and members of the village guards were killed in the attack, with the youngest victims being five-year-old Aleksandar Dimitrijević and his twelve-year-old brother Radisav Dimitrijević, who were killed by sniper fire.

The attack on Skelani that was carried out by Muslim forces based in Srebrenica, whose actions were coordinated by the military and political leadership in Sarajevo, consolidated the territory of the Muslim enclave of Srebrenica, the most ethnically pure area in wartime Bosnia and Herzegovina. During this period, the enclave was at its largest, extending to about 900 km^2, and it included parts of five municipalities (Srebrenica, Bratunac, Vlasenica, Zvornik, Milići). By this time, Muslim units had carried out complete ethnic cleansing of the entire regions of the Middle Podrinje and Srebrenica, in which somewhat less than 2,000 Serb civilians, soldiers and members of the village guards were killed or went missing and more than 150 different settlements were destroyed. Muslim armed forces (ARBiH) apparently

committed brutal and systematic crimes in this region, with the knowledge of their Supreme Command in Sarajevo.

After the attack on Kravica, and especially after the one on Skelani, and the systematic massacre and destruction of the Serb civilian population in the Middle Podrinje, the Army of Republika Srpska launched a large counter-offensive against Muslim units based in Srebrenica. In just a few weeks, the Muslim forces were completely defeated and limited only to the town center in Srebrenica, while a part of the Muslim forces remained separated in the military stronghold of Žepa, south of Srebrenica. During the counter-offensive of the Serb forces, a significant number of Muslim civilians and fighters from other Podrinje municipalities that were under the control of the VRS withdrew to Srebrenica. The town center of Srebrenica, where Muslim forces were located, was shelled by the VRS, which resulted in Muslim civilian casualties.

In mid-March 1993, negotiations began through the international community to form a demilitarized zone and enclave of Srebrenica, which would be under the protection of United Nations forces. While the negotiations were in progress, a UNHCR convoy entered Srebrenica and brought a large amount of humanitarian aid. At the same time, the evacuation of the Muslim civilian population to Tuzla began, which lasted until April 2, 1993, when forces under the command of Naser Orić forcibly prevented the evacuation, although the civilians exhibited a strong desire to go to Tuzla, which was at the time an area under the control of the Army of Bosnia and Herzegovina. As a gesture of goodwill, the Republika Srpska authorities allowed the evacuation of wounded Muslim forces members from Srebrenica by helicopter. The Republika Srpska delegation, which was participating in negotiations in New York, informed the United Nations Security Council that all military activities on the battlefield around Srebrenica were suspended and that the Serb side guaranteed an air and land corridor for the rendering of humanitarian aid.

On April 16, 1993, the United Nations Security Council passed Resolution 819, which stated that all armed attacks on Srebrenica had to be stopped immediately, and that the VRS forces were to withdraw from the area around Srebrenica. On the same day, the VRS Main Staff acted on the Resolution, and two days later an agreement was reached on the demilitarization of Srebrenica and Žepa, which was signed by representatives of the VRS, ARBiH, and the UN that guaranteed the agreement, and thus that the demilitarization of the Srebrenica and Žepa enclaves, would be implemented.

At no point did the Muslim forces in Srebrenica allow themselves to be disarmed, but instead they saw the demilitarized zone as a shelter where they could reorganize their military potential and from which they could carry out operations deep inside the territory under the control of the Republika Srpska Army, as evidenced by a document in which Naser Orić, Commander of the 8th Operations Group, on May 25, 1994, requested from his superiors to have his fighters take part in the "liberation of the country" by carrying out combat operations

"behind aggressor lines". Starting with the summer of 1994, combat operations carried out from the protected area by the 8th Operations Group aimed at the inside of the territory under the control of the VRS intensified, thus on July 12, an artillery attack was carried out on the cemetery in Bratunac, while a memorial service was being held for the Serbs who had been killed in the area. The attacks continued throughout October, November, and December, and became especially intense during the spring and summer of 1995.

According to the new reorganization scheme of the Army of Bosnia and Herzegovina, the 8th OG (Operations Group) Srebrenica was renamed on January 12, 1995, and established as the 28th Division, based in Srebrenica. According to the combat reports of the 28th Division, sent to the Command of the 2nd Corps of the Army of Bosnia and Herzegovina, they carried out over 30 reconnaissance and sabotage operations on the territory of Republika Srpska from inside the protected areas of Srebrenica and Žepa; within just a few days, between June 22 and June 27, 1995, members of this unit carried out three major attacks from inside the protected and demilitarized area of Srebrenica, killing at least 47 Serb soldiers and civilians. From mid-March 1993 to mid-summer 1995, members of the 8th OG, or the 28th Division, killed about 450 Serb civilians and soldiers in the area around Srebrenica. All these attacks were carried out in accordance with the war objectives and directives of the General Staff of the Army of Bosnia and Herzegovina, and in mid-1995 they were part of a grand plan involving an offensive and breaking through the blockade around Sarajevo. According to Muslim as well as other sources, by this time, the Muslim side had suffered approximately 2,100 casualties in this region, more than 1,800 of whom were soldiers according to an official monograph of the ARBiH 28th Division.

Due to the increasingly aggressive actions of the members of the 28th Division and the actual danger of the realization of their military and political plans to cut off the territory of Republika Srpska in the Middle Podrinje, on July 2, the VRS Command issued a preparatory order to all DK (Drina Corps) units except the headquarters support units, with the "aim of preparing for upcoming actions". By this point, many individuals have claimed that this order was a preparatory order for the execution of "Krivaja 95", which is only partially true, because that was not its purpose at the time when it was issued, but instead that became its purpose only after the Order for active combat actions within the OP (Operation) No.1 was issued under the code name "Krivaja 95" by the DK Command that same day.

At 0430 hours on 6 July 1995, VRS forces launched an operation codenamed "Krivaja 95", which envisaged the separation of the officially demilitarized areas of Srebrenica and Žepa. The main objective was to limit the actions of Muslim forces to the area of the town and thus stop the IDGs (Reconnaissance and Sabotage Groups) of the Muslim 28th Division and their actions deep inside the territory of Republika Srpska. The command of the Drina Corps did not intend to take the town of Srebrenica, and it could not expect that the members of 28th Division would forsake the defense of the town and their families and attempt a breakthrough from the encirclement.

As the first day of operation "Krivaja 95" did not yield the expected results, the Drina Corps Command started reorganizing its forces on the front and started the operation again on July 8. On July 9, General Krstić, who was at the time still the Chief of Staff of the Corps, informed the VRS Main Staff by telegram that the "immediate task" had been completed, and that the next task would be completed very soon, and with it, the operational objective of the "Krivaja 95" would be accomplished as well. In this telegram, clearly exceptional in terms of form and urgency, General Krstić reported that he had noticed unexpected changes on the ground, that opportunities were opening up for him to enter the town itself, and it is obvious that he was expecting to receive guidance on that and, possibly, consent to do so. General Zdravko Tolimir, Assistant Commander for Intelligence and Security Affairs of the VRS Main Staff, in response, conveyed the consent of the Supreme Commander Radovan Karadžić to the new decision of the DK Command to enter the town.

After the breaking of the counter-offensive of the 28th Division forces, all the forces of the Drina Corps which were engaged in the execution of the "Krivaja 95" essentially carried out the set task in the spirit of the order of the Commander of the Drina Corps. With this, the primary objective of operation "Krivaja 95" was achieved. In the morning of July 11, the Chief of Staff of the Drina Corps, Major General Radislav Krstić, orally issued tasks to subordinate units to continue the attack towards the town, with the mission of entering the town of Srebrenica.

By 1100 hours on 11 July, nine members of the 28th ARBiH Division units in Srebrenica were killed while 30 were wounded, which is less than 1% of the Division's total staff. Given the extremely low number of casualties and sufficient materiel and technical equipment, as well as the support of the Dutch UNPROFOR Battalion, the 28th Division was not defeated, and was able to defend Srebrenica. Given the huge advantage that the defense forces had over the attacking forces, the fall of Srebrenica would not have occurred so quickly had the units of the Bosnia and Herzegovina Army decided to defend the town. Faced with an immediate VRS attack, members of the Bosnia and Herzegovina Army did not even attempt to establish any effective defense system. They did not attempt to use their heavy artillery, which was available to them in the event of an attack, despite the fact that it was under UNPROFOR control. In such conditions, the VRS Main Staff decided that VRS members should enter Srebrenica, which they did by 1400 hours on July 11.

Based on the order of the Command of the 28th Division, on the evening of July 11, all active and reserve military personnel of the 28th Division, Srebrenica Police, and all able-bodied men from the Civil Defense and units performing war work duties gathered at the agreed location in Šušnjari. There were a few women among them, but their military status was that of a soldier of the Army or the Civil Defense, while some women were civilians who set out with their family members, that is, members of the Army in active service or reserves of the 28th Division. According to a report of the 28th Division, dated June 1, 1995, the 28th Division

had 5,846 active personnel. The Srebrenica Police had 137 police officers. There were 1,309 members in units performing war work duties and 939 members of Civil Defense. In total, the number of armed men and women from the Srebrenica enclave, including conscripts (recruits), was 9,591. Furthermore, there were 2,552 soldiers from other municipalities. Among them there were probably a number of conscripts who had not yet reached the age of 16, which was the age limit for conscription.

In Šušnjari, all stationed conscripts, in active service or reserves of the 28th Division, received the order to carry out the combat operation of breakthrough towards Tuzla and they lined up in a battle formation that eventually headed towards Tuzla, passing through the territory under the control of the VRS. The route along which they were to move had been recommended by the Reconnaissance Patrol of the 284th Brigade, which consolidated the route 15 days earlier. There were around 12,500 people in the column. A small number of soldiers were in uniform. The majority were wearing civilian clothes. After the formation of the brigades was inspected, the 28th Division started moving.

Criminal Investigation Perspective

The significance, weight and consequences of the events in Srebrenica in July 1995 merit special consideration. The core of this Report focuses on the analysis of those events. It is a reconstruction of the events based on available sources. The Report particularly focused on the aspects of the criminal investigation.

An investigative team appointed by the Prosecutor's Office of the International Criminal Tribunal for the former Yugoslavia (ICTY) was in charge of conducting the criminal investigation in the Srebrenica case. That team had an extraordinarily complex task. The investigation started in late July 1995. There are substantial arguments for taking a critical look at the work of that team. The investigative team had an extremely limited number of people at its disposal, especially in the early years following the end of the war in Bosnia and Herzegovina. According to the chief of the investigative team, Jean-René Ruez, it took until 1998 to actually form a team that could be nominally described as an "investigative team". The passing of time always has negative implications for gathering material evidence in a criminal investigation, and certainly firsthand evidence as well, especially when these pieces of evidence are personal testimonies of participants in the events.

Prior to elaborating on the key aspects of the investigation, it is first necessary to take a look at the work of the ICTY Prosecution's investigative team, that is, at the scope of their mandate. The investigation was not concerned with determining the causes of the events, nor with any events preceding July 11, 1995. Besides, according to the provisions of international humanitarian law, the investigation was not concerned with the military operations or the fate of combatants, but rather with the fates of noncombatants regardless of their prior membership in the military or lack thereof, that is, those who had no longer been in a position to

fight. However, a significant number of participants in the column were killed in combat, by stepping on anti-personnel mines, in mutual clashes, or by committing suicide. The position of those persons may not be equated with the fate of those captured. They were in a position to fight, or did *de facto* fight back against the Serb forces, which had an overwhelming tactical advantage on the ground, in a military sense, despite having significantly less manpower compared to the Bosniak side. The ICTY Prosecution's investigative team did not reflect upon those crucial facts, nor was this the subject of their investigation. That approach led to insufficient and incorrectly determined facts regarding the events connected to Srebrenica in July 1995.

The ICTY Prosecution investigative team's first task was to determine what happened in Srebrenica after Serb forces entered the enclave. The eyewitnesses to the events were the most reliable source of information. The investigative team did not conduct detailed interviews with those persons, but rather relied primarily on the support of the Bosniak Police and AID, the Bosniak intelligence service, that is, the security services of one of the warring sides, to help them select key eyewitnesses.

The second task was to exhume graves and gather material evidence. A large part of the investigation dealt with locating and identifying missing persons. Court medical experts examine exhumed remains to determine the possible cause of death. Determining the perimortem circumstances, that is, whether the injuries were inflicted by shooting, sustained in combat, or under different circumstances, is neither the jurisdiction nor the expertise of the court medical experts, but rather of those conducting the criminal investigation.

The third investigative task was to find the persons responsible for perpetrating the crimes. To a large extent, the ICTY Prosecution's investigative team gathered the information on the perpetrators from the transcripts of radio communications intercepted by the Army of the Republic of Bosnia and Herzegovina during a military operation of the Army of Republika Srpska (VRS), codenamed "Krivaja 95". Following the official request from the ICTY Prosecution, the Bosniak side took an unreasonably long time after the request was filed to produce the first transcripts of the conversations, and to a lesser extent, audio recordings, and even longer for the rest. As it happens, the request was first filed on 13 November 1996, and the Bosniak side did not respond until March 1998.

The Commission was unable to determine the reason for the delay in producing the transcripts, but we may postulate that the party in question, a participant in the conflict, was motivated to present its own version of events, and we may assume that it was possible that the contents of the transcripts were altered to suit the interests of one of the warring parties, in this case, the Bosniaks. The ICTY Prosecution's investigative team did not verify the authenticity of the transcripts, but did use the transcripts as a highly reliable source in their investigation. The role of the participants on the ground and their responsibility as perpetrators of the crimes they were charged with and later convicted of by the ICTY was determined

based on those transcripts (and the aforementioned eyewitnesses). A widely accepted discourse regarding the events surrounding the fall of Srebrenica was created largely based on the proceedings before the ICTY.

The Srebrenica enclave was granted "safe area" status as per the United Nations Security Council Resolution 819 of April 16, 1993. The Resolution called for the safe area to be demilitarized, but this was never implemented practice.

Following the partial demilitarization, the ARBiH 2nd Corps 28th Division continued actively operating within the enclave. After abandoning the enclave on 11 July, that formation went for a breakthrough towards Tuzla, an ARBiH-controlled territory, around 80 kilometers from Srebrenica. The composition of the column and the events in the column during the breakthrough are an exceptionally significant aspect of the reconstruction of events. They are also very important in regard to the ICTY Prosecution investigative team's mandate and the direction of its investigation in the Srebrenica case. No investigation of the events in the column was ever carried out, which is what we focused on in our reconstruction of the events in and around Srebrenica in July 1995.

Before elaborating on the nature of the column, we shall go over the general demographic indicators in the Srebrenica enclave. According to the official records of the Bosnia and Herzegovina Statistical Office, the Srebrenica municipality had a total of 37,255 inhabitants in January 1994. Out of that number, 9,791 were local residents of Srebrenica, 10,756 local residents displaced from their homes within the Srebrenica municipality, and 16,708 residents of other Podrinje municipalities who had been driven from them. The number of residents of the enclave decreased as people moved out of it due to the adverse circumstances and the generally bad social conditions. There are no official records, but we can assume that by July 1995 the population of the enclave was around 35,500 people.

Following the fall of Srebrenica on 11 July 1995, around 23,000 civilians gathered in the area in front of the United Nations peacekeeping compound in Potočari and a certain number of them gathered in the compound itself. That group of civilians, mostly women, children and the elderly, was evacuated on request of the United Nations peacekeepers and the representatives of the civilian population of Srebrenica. The evacuation took place on July 12 and 13, 1995, and the people were evacuated to Kladanj, an ARBiH-controlled territory.

In addition to the civilian population (women, children and the elderly), there was a certain number of able-bodied men in front of and inside the United Nations compound in Potočari who had sought protection from the United Nations peacekeepers. A United Nations report listed 239 such persons, while 60 persons refused to identify themselves. An overwhelming majority of those persons are classified as missing – presumed killed by the Serb forces. We were able to determine that one of those persons was transported to the camp in Batković, and exchanged at a later date.

Based on those indicators, we may presume with confidence, considering the eyewitness testimonies, that the column breaking through towards Tuzla consisted of approximately 12,500 persons.

On the basis of an analysis of ARBiH documents, we can also conclude that the ARBiH 2nd Corps 28th Division had between 10,900 and 11,500 members before the demilitarization in April 1993. The number of active service members of the Division following the demilitarization has been estimated to be between 5,700 and 6,200 combatants.

After the demilitarization, the manpower reduced by nearly 5,000 was assigned to the reserve forces to be activated as needed, which is confirmed by ARBiH documents cited in this Report.

After the VRS entered the enclave on July 11, 1995, the population of Srebrenica started evacuating in two large columns. One of the columns consisted of the ARBiH 2nd Corps 28th Division, including both active members and the reserve forces who had received orders from the 28th Division Command to report to the staging area in the villages of Šušnjari and Jaglići near Srebrenica. The second column consisted of the civilian population, including women, children, the elderly, and a certain number of able-bodied men who had sought protection from the United Nations peacekeepers. Relevant sources, primarily documents of the Republic of Bosnia and Herzegovina military and civil security bodies and ICTY documents, confirm the military status of the column, and that it was conducting a military combat operation called a breakthrough from encirclement.

The statements of the participants in the breakthrough taken by the BiH civil and military security bodies, cited in this Report, detail the military nature of the column, military status of the participants, chain of command, combat formation, weapons, and so on.

Eyewitnesses stated that the members of the Military Police along with the ARBiH 28th Division 281st Brigade Commander Zulfo Tursunović were stopping the able-bodied men and soldiers from arbitrarily leaving town on July 11, 1995. Also, eyewitnesses to the events said in their statements that a military courier had appeared on the streets of Srebrenica with a message from the ARBiH 28th Division Command, that is, from the military leadership of the enclave, saying that all able-bodied and armed men were to head through the woods in the direction of the village of Šušnjari, towards the staging area, and all civilians were to go to the United Nations compound in the village of Potočari.

Eyewitness statements confirm that two columns were formed, one that headed for the United Nations compound in Potočari, and the military column whose designated staging areas for the breakthrough were the villages of Šušnjari and Jaglići. Combatants from neighboring villages surrounding Srebrenica joined them at the staging area.

During the night, around midnight between July 11 and 12, 1995, a lineup of ARBiH 28th Division brigades was done in the village of Šušnjari. According to statements of the

participants, the breakthrough was planned in a house in that village immediately before the lineup; the route of travel towards Tuzla was agreed upon, as well as the marching order of the ARBiH 28th Division brigades.

The column consisted of able-bodied men, active and reserve duty members of the ARBiH, who had been ordered to report to the staging area to go for a breakthrough towards Tuzla. Eyewitnesses stated that the men were 15 to 65 years old. They also stated that the column included a small number of women. Some of them were members of the ARBiH 28th Division, while others chose to follow their husbands, brothers and cousins through the woods because they did not wish to be separated from them.

The military column was poorly equipped in terms of weaponry, and especially uniforms, since only a small number of soldiers had uniforms. Most of the participants were carrying infantry weapons, hunting weapons, and explosives. A certain number of column participants were unarmed.

The front of the column began the breakthrough around 0100 hours on July 12, 1995. The remaining brigades followed at short time intervals, in a single-file column. The column was several kilometers long. According to eyewitness statements, the rear of the column started the breakthrough from the area of Ravni Buljim on July 12, 1995, at around 1200 hours.

The fighting along the line of the ARBiH 28th Division's breakthrough is an important aspect in the reconstruction of the events. It is especially significant to determine the circumstances surrounding the deaths of breakthrough participants. From the perspective of the criminal investigation, the circumstances of deaths that occurred during the breakthrough are crucially important. It is extremely important to determine the causes of death of a large number of column participants. The ICTY Prosecution investigative team did not focus on that aspect. The members of the military formation who died in military operations were regarded by the ICTY as persons who were not in a position to fight, which does not accurately reflect the facts.

The military formation of the ARBiH 28th Division included 6 light infantry brigades: the 280th, 281st, 282nd, 283rd, 284th and 285th Brigades, and the 28th Independent Mountain Battalion.

The VRS forces engaged in the "Krivaja 95" military operation (referenced in the documents as the "Krivaja 95" combat activity, which indicates that it was of a narrower scope) included units of the VRS Drina Corps, that is, parts of the units which were already stationed around the Srebrenica enclave (the Bratunac and Milići Brigades and the Skelani Independent Battalion), as well as forces from other VRS Drina Corps units (a reinforced battalion of the 1st Zvornik Infantry Brigade, a mixed battalion consisting of the combined forces of the 1st Birač Infantry Brigade and the 2nd Romanija Motorized Brigade, together with one company from the Skelani Independent Battalion, reserve forces equivalent to one battalion

with the strength of 2-3 Ministry of Interior [MUP] companies, and one company from the 1st Vlasenica Light Infantry Brigade, as well as contact forces equivalent to one light battalion consisting of forces from the 1st Milići and the 1st Bratunac Brigades). The estimated strength of the engaged Serb forces was around 4,000 combatants. Around 1,500 combatants from the VRS Drina Corps were engaged in active operations along the lines of the "Krivaja 95" attack, while the defensive forces on those same lines were more numerous than two brigades with a battalion in reserve, which is around 3,000 combatants, that is, a 1:2 advantage in favor of the 28th Division. After the VRS forces entered Srebrenica, the bulk of its forces headed to Žepa, which also significantly impacted the number of VRS numbers in this area. Some of the men were reassigned back to Zvornik only when that municipality became threatened by the activities of the advancing 28th Division. There were clashes between the Serb forces and the ARBiH 28th Division along the entire 28th Division breakthrough route. The battles were fought on VRS-controlled territory, with the VRS operating towards an enemy military formation moving across territory under its control.

In a cross-examination by prosecutor McCloskey, while testifying as a at the trial of the VRS General Ratko Mladić, the chief of the ICTY investigative team Jean René Ruez stated that the ARBiH 28th Division had barely suffered any casualties in the breakthrough, seeing as most of the victims were civilians. He claimed that the 28th Division had consisted of of 6,000 armed soldiers, and that 6,000 soldiers had made it to Tuzla. This is obviously an erroneous claim based on unverified facts. The statements of ARBiH 28th Division members who participated in the breakthrough show that this claim is incorrect.

As previously stated, between the afternoon and midnight on July 11, 1995, ARBiH 28th Division members gathered in the area of the villages of Šušnjari and Jaglići. Following the lineup of brigades and upon receiving orders from the ARBiH 28th Division Command, units at the front of the column started the breakthrough towards Tuzla across Serb-controlled territory around 0100 hours on July 12, 1995.

Keeping in mind that the rear of the column remained in the locality of Šušnjari/Jaglići until noon on July 12, 1995, the VRS sighted a section of the column in the area of Ravni Buljim early in the morning on July 12, 1995 and opened fire. According to eyewitness statements, 500 to 1,000 people were killed in that artillery attack.

Late in the afternoon on July 12, 1995, a section of the ARBiH 28th Division column was attacked in the area of the village of Šiljkovići. The ARBiH 28th Division suffered significant losses in manpower in that attack. Based on a previous agreement, the village of Kamenica was designated to be the staging area for the ARBiH 28th Division, that is, a location where the front of the column would wait for the rear to catch up.

In the evening of July 12, 1995, brigades of the ARBiH 28th Division once again lined up in the vicinity of the village of Kamenica. That same evening, the VRS began an intense artillery and infantry attack. According to eyewitness statements of ARBiH 28th Division

members interviewed by military and civilian security services, 2,000 to 3,000 persons were killed in that attack. In the evening on July 12, 1995, the ARBiH 28th Division Command made the decision that the 28th Division active duty service members shall attempt to break through across the Nova Kasaba – Konjević Polje road. In accordance with that, the decision was that the ARBiH 28th Division reserve forces would remain in the Kamenica area and wait for the active duty forces to come back for them. The 28th Division 282nd Brigade under the command of Ibro Dudić was left behind in that section of the column. That decision led to confrontations and mutual clashes among the ARBiH 28th Division ranks, which, according to eyewitness statements, led to a significant number of casualties.

The VRS began an intense military operation in the afternoon and evening on July 12, 1995 in the area between the villages of Mratinci and Konjević Polje. During the night between July 12 and 13, 1995, the ARBiH 28th Division members who had been left behind in the Kamenica area against their wishes started fighting among themselves. Eyewitnesses stated that around 1,000 persons from the column lost their lives that night in that section of the route.

Early in the morning on July 13, 1995, between 0400 and 0800 hours, ARBiH 28th Division units crossed the Nova Kasaba – Konjević Polje road. Eyewitness statements suggest that the ARBiH 28th Division suffered 500 to 1,000 casualties while crossing the asphalt road.

The ARBiH 28th Division units were attempting to cross the asphalt road in the area of the village of Sandići when the VRS forces engaged them in combat. Despite the previous agreement that the front of the column would return for the rear, which had been left behind in the Kamenica area, that never happened. The rear of the column was left encircled by Serb forces. The VRS blocked the Nova Kasaba – Konjević polje road between 0900 and 1500 hours on July 13, 1995. Several groups of persons from the column surrendered in the village of Sandići, and several more did so in the area between Konjević Polje and Nova Kasaba.

The Command and several units of the ARBiH 28th Division successfully crossed the Nova Kasaba – Konjević polje road between 0400 and 0800 hours on July 13, 1995. At the lineup of the brigades in Kamenica (Bratunačka Kamenica) the day before, on July 12, 1995, it was decided that the next lineup would be in the locality of Udrč, 13 to 15 kilometers past the Nova Kasaba – Konjević Polje road. The lineup of the units at Udrč began in the morning of July 13, 1995. A large section of the column was unable to cross the road and remained encircled by Serb forces. The ARBiH 28th Division Command made the decision to send back a part of their elite forces to help the encircled units cross. The Serb forces launched an artillery attack against the ARBiH 28th Division in the Udrč area between 1500 and 1600 hours on July 13, 1995. For that reason, or some other reason unknown to us, the ARBiH 28th Division Command changed its decision to have a part of the forces go back for the encircled units, and issued the orders for those units to continue the breakthrough towards Tuyla together with the Command.

Intense fighting was taking place in the area of the village of Liplje around 0700 hours on July 14, 1995. The same day, July 14, 1995, the ARBiH 28th Division continued the breakthrough towards the villages of Snagovo and Marčići. Between 1400 and 2100 hours on 14 July, fighting was ongoing in the village of Snagovo and in the area of the village Liplje, as well as along the route towards the village of Marčići. The same evening, on July 14, the ARBiH 28th Division and the VRS were engaged in intense fighting in the area of the village of Marčići. In addition to infantry, the VRS used armored fighting vehicles in those clashes. The ARBiH 28th Division suffered significant losses in manpower at that locality.

The fighting continued in the area of Križevačke Njive, the villages of Parlog, Pandurice and Baljkovica, which are a very short distance from one another. Large-scale clashes between the ARBiH 28th Division and the VRS took place in that area on July 15, 1995. ARBiH 28th Division members inflicted significant losses on the VRS. There they captured several tanks, Praga cannons and trucks carrying weapons and military equipment. The fighting continued throughout that day and during the night of July 16, 1995. In the meanwhile, the rest of the ARBiH 28th Division column that had managed to cross the Nova Kasaba – Konjević Polje road linked up with the units at the front. Early in the morning, around 0400 to 0500 hours, following intense fighting and significant losses on both sides, the ARBiH 28th Division attempted to break through the last line of defense of the VRS and reach ARBiH-controlled territory. Keeping in mind how close the ARBiH-controlled territory was, ARBiH forces were operating against the VRS lines from the direction of Tuzla, providing backup for the ARBiH 28th Division breaking through VRS-controlled territory. In the meanwhile, the ARBiH 24th and 28th Divisions were negotiating with the VRS Drina Corps Zvornik Brigade Command. The line was breached shortly before 1300 hours on July 16, 1995, and an agreement had been reached in the meanwhile to let the column pass through. The ARBiH 28th Division crossed over to Bosniak-controlled territory at Nezuk starting at 1300 hours and lasting through the evening. The ARBiH 28th Division column continued crossing over the demarcation line until 1800 hours the following day, July 17, 1995.

Most of the ARBiH 28th Division members crossed over to ARBiH-controlled territory on July 16 and 17, 1995. However, smaller groups from the column were unable to reach ARBiH-controlled territory in that timeframe. Smaller groups of soldiers continued trying to break through in the following days. Some were successful, some were killed in combat, and others were captured by the VRS and exchanged at a later date. There is also a possibility that there may have been some situational murders.

Groups of ARBiH 28th Division members who were lagging behind the front of the column in the days following the large-scale armed clashes between the Snagovo area and the ARBiH-controlled territory encountered the bodies of those who died in the breakthrough. On the basis of eyewitness statements, our estimate is that around 1,000 ARBiH 28th Division members were killed between the Nova Kasaba – Konjević Polje road and the breakthrough line near Nezuk, an ARBiH-controlled territory.

An important aspect for the reconstruction of the events, that is, for understanding what was happening in the column during the breakthrough, involves suicides, murders of other participants in the column, and the ARBiH 28th Division members who were killed in clashes with other column participants. Our research yielded findings, based on eyewitness statements from column participants, about two general locations on the breakthrough route where the aforementioned incidents occurred. The first location is before the Nova Kasaba – Konjević Polje road. Eyewitnesses testified about the mass panic that ensued in the areas of Kamenica, Sandići, Pobuđe and Đugum as a consequence of an intense VRS artillery attack in the evening of July 12, 1995. The artillery attack on an area tightly packed with column participants caused mass panic, fear and uncontrolled behavior. The eyewitnesses testified about suicides and murders of other participants in the column with hand grenades and firearms. In addition to this, in the chaos that ensued, a certain number of column participants decided to surrender to the Serb forces stationed along the road. Those circumstances led to the group dividing into those who wished to surrender and those who strongly opposed it. The disagreement resulted in mutual clashes, the greatest of which occurred in the area of Bokčin Potok near the village of Sandići and in the area of Đugum, immediately before crossing the Nova Kasaba – Konjević Polje road. A certain number of column participants surrendered to the Serb forces in those locations and were then transported to the football field in Nova Kasaba as prisoners of war. This happened on July 13, 1995. As groups of soldiers were surrendering, detonations and gunfire from automatic weapons could be heard from the woods behind the road. The fighting that was taking place was among members of the ARBiH 28th Division.

The next location where mass suicides and murders of other participants in the column occurred was the area after the Nova Kasaba – Konjević Polje road. More specifically, the locations in question are the areas of Križevačke Njive, Baljkovica and Pandurica, located near the demarcation lines, that is, the breakthrough line. Intense fighting took place in the evening and during the night between July 15 and 16, 1995. Those circumstances led to uncontrolled behavior of the ARBiH 28th Division members, which resulted in numerous suicides and murders of other participants in the column. On the basis of eyewitness statements, we estimate that several hundred persons died by suicide, were murdered by other column participants, and in mutual fighting along the entire breakthrough line.

The key questions to answer regarding the reconstruction of the events are how many ARBiH members were captured, and at which locations did that take place. The following crucial question has to do with the number of prisoners of war killed in mass shootings. Those two questions are closely connected, since the answer to the second depends on the answer to the first. The captured column participants were later shot dead, and around two hundred of them were exchanged.

In order to obtain the answers to those questions, we must begin with the previously determined facts regarding the approximate number of persons who started the breakthrough.

By relying on demographic analysis and eyewitness statements, we have determined that number to be around 12,500 persons. The primary question concerns the number of casualties in July 1995. We considered the critical period between July 11 and 19, 1995, as the referential time frame. Determining the time of death is crucially important. We relied on the ICMP list of persons missing in the events of July 1995 as a valid source for the analysis, which is also used by the ICTY as the official list of the missing or dead Bosniaks who lived in the area of the Srebrenica enclave. According to that list, the total number of missing/deceased persons is 7,692. That list includes the names of missing/deceased persons from before, during and after the critical period between July 11 and 19, 1995. We have defined the critical period as the time between July 11 and 19, 1995, by which point most of the surviving column participants had successfully broken through to ARBiH-controlled territory. The front line between Baljkovica and Nezuk was opened on 16 July 1995 and most of the ARBiH members who fought their way through crossed over to ARBiH-controlled territory on July 16 and 17, 1995. Smaller groups continued breaking through to Nezuk in the following days, and a certain number of ARBiH members were captured during and after the breakthrough, that is, after the bulk of the 28th Division had crossed over to the Muslim territory.

The ICMP list contains data on persons reported as missing, the date when, and approximate location where, they went missing. In practice, this list was compiled based on statements of relatives or close acquaintances reporting the last location where they had seen the missing persons. The reported time and location of disappearance may not, therefore, be interpreted as the determined time and circumstances of death, but rather as the time that the person was last seen alive. Based on that methodology, we may posit that the persons known to have died prior to July 11 and persons last seen alive after July 19, 1995, most likely died outside the critical period. Using this approach, we analyzed the data contained in the ICMP list and found a total of 6,674 names of persons who went missing or who died inside the aforementioned critical period. Keeping minimal discrepancies in mind, we may conclude that there is a great likelihood that a total of 7,025 persons were reported as missing in Srebrenica during the critical period. Having at our disposal the starting figure of approximately 7,000 missing/deceased persons in the critical period, we must now look at the estimated figures of deaths in combat, mutual clashes and from suicides during the breakthrough.

Estimating the number of column participants killed in combat operations, clashes between column participants and who died from suicide is necessary to yield an approximate figure of persons who died in those circumstances.

The route of deaths during the breakthrough was divided into two dominant sections. The first section refers to the area between the location where the breakthrough started in the villages of Šušnjari and Jaglići up to the Nova Kasaba – Konjević Polje road. The second section is from the Nova Kasaba – Konjević Polje road up to Nezuk, that is, ARBiH-controlled territory. This split was exceptionally significant during the course of this research, as it was

necessary to determine the approximate number of casualties in both sections of the route. That is very relevant for estimating the number of ARBiH members who were captured and shot. Splitting the route into two sections is significant in determining the number of captured persons, since mass captures took place in the first section of the route, between Šušnjari and Jaglići and the Nova Kasaba – Konjević Polje road. Next, it was necessary to investigate the precise locations where column participants surrendered. Two predominant locations were found. The first location is the village of Sandići, around 25 kilometers from Srebrenica. The next location is the Nova Kasaba area, around 36 kilometers from Srebrenica. In order to determine the number of column participants who were captured and later shot, it was also necessary to determine the approximate number of those killed in both sections of the route.

Taking estimated losses based on eyewitness statements from surviving participants in the breakthrough and ARBiH reports into consideration, we can state that there is a great likelihood that 3,000-4,000 persons lost their lives in combat, mutual clashes, died from suicides and from stepping on landmines in the first section of the route between the starting point of the breakthrough, that is, between the villages of Šušnjari and Jaglići and the Nova Kasaba – Konjević Polje road. Most casualties happened in the areas of Bokčin Potok, Kameničko Brdo and around Nova Kasaba.

Upon analyzing witness statements, we can estimate that around 1,000 people were either killed in combat, killed each other, died from suicide or were killed in minefields, all in the second section of the route. We estimate that along the entire breakthrough route 4,000-5,000 people were killed in combat, killed each other, died from suicide or were killed in minefields.

Furthermore, when estimating the number of those captured and shot dead, we must consider the able-bodied men who did not join the column, but sought protection from United Nations peacekeepers in Potočari. The total figure is 299 able-bodied persons. Those persons were transported to the Vuk Karadžić Elementary School in Bratunac in the morning of July 13, 1995, and a majority of them were executed in mass shootings in the days that followed. As previously stated, we have determined that at least one of those persons was taken to the Batković camp and was later exchanged.

Now that we have an approximate figure of persons who went missing or were killed within the critical period (around 7,000), and on the other hand, estimates of casualties in combat and other circumstances (4,000-5,000 persons total), we may proceed to estimate the number of breakthrough participants who were captured. Based on these data our estimate is that the minimum number is 1,500-2,000, while the maximum is 2,500-3,000 captured members of the 28th Division active and reserve forces. In order to determine the number of persons killed in mass executions by shootings, we started with the assumption that the total number of captured breakthrough participants is equal to the maximum number of persons who were shot. Apart from that, we must consider the fact that a certain number of prisoners were not shot, but rather were exchanged at a later date.

Breakthrough participants were captured in two locations. The first location is the village of Sandići, and the second is Nova Kasaba. Limited sources are available which would help estimate the number of ARBiH members captured in Sandići. They primarily include aerial footage taken by a US Air Force U2 reconnaissance aircraft at 1400 hours on 13 July 1995. The aerial footage was analyzed by intelligence expert Cees Wiebes in his study entitled *Intelligence and the war in Bosnia 1992-1995: The role of the intelligence and security services*, which forms an integral part of the Dutch government's report on Srebrenica published by the Netherlands Institute for War Documentation (NIOD). In addition, we used eyewitness statements of column participants.

In order to estimate the number of ARBiH 28th Division members captured in Nova Kasaba, we have also used aerial footage taken by a US Air Force U2 reconnaissance aircraft showing the prisoners being held at the football field in Nova Kasaba. We also used eyewitness statements of column participants, as well as statements of eyewitnesses that refer to the number and location of the buses they had seen on July 13, 1995 that were used to transport the prisoners of war from Nova Kasaba to Bratunac.

According to an analysis of the aerial footage taken at 1400 hours on 13 July 1995, there were two groups of prisoners being held at a meadow in Sandići, 80 prisoners in one, 320 in the other. According to this source, the total number of prisoners was around 400. Individual participants from the column that was breaking through later offered their own estimates/opinions that around 1,000 members of the breakthrough column surrendered in Sandići.

According to the Wiebes study, the estimated number of captured persons based on the aerial footage from Konjević Polje includes one group of approximately 100 persons and another of approximately 500, which yields a total of 600 persons. Individual breakthrough participants from the column later offered their own estimates/opinions that the number of prisoners of war in Nova Kasaba was between 400 and 2,000.

In order to estimate the number of captured persons, we also used source material concerning the number of buses used to transport the prisoners of war to Bratunac. The prisoners were transported in the evening on 13 July 1995. According to eyewitness statements, the vehicles were parked in a single-file line on the left side of the street, on two streets directly near the Vuk Karadžić Elementary School in Bratunac. We have physically measured this space, and determined its total length to be 280 meters. Based on the length of that route, we may proceed to estimate the maximum number of vehicles, more precisely, buses and trucks used to transport the prisoners. The buses and trucks were not all of the same size. It is our estimate that the maximum number of vehicles that could physically fit inside that space is 30, bearing in mind that the average length of a standard bus is 11-14 meters. The length of an articulated bus is around 18 meters, and the length of smaller trucks does not exceed the length of a standard bus.

Based on the estimated number and type of vehicles (maximum 30, minimum 15-20 vehicles), we may presume the average number of persons per vehicle to be 50-70, up to a maximum of 100. The minimum number of persons per bus would be 35-40. Based on that estimate, the number of prisoners of war transported in those vehicles falls somewhere between the low estimates of 1,500-2,000 and the high estimates, but does not in any case exceed the highest estimated figure of persons killed in mass shootings – which is 2,500-3,000 persons. According to the ICTY judgment in case no. IT-05-88-T, there were some situational killings while the prisoners of war were surrendering.

According to eyewitness statements, per orders from the VRS Command, in the afternoon and evening of 13 July 1995, the captured ARBiH 28th Division members were put inside buildings where they could be guarded and secured through the night, and then taken to other locations to be exchanged. However, as previously said, the majority of the prisoners of war died in mass shootings over the following days.

Mass murders of prisoners of war took place in several locations. The mass murders in the Bratunac municipality took place in the early evening on 13 July 1995; those in the village of Kravica were provoked by an incident where a group of prisoners housed in the Agricultural Cooperative building stole a rifle from a guard and shot him dead with it, and wounded another. After that, the remaining guards opened fire on several hundred prisoners of war, with only a small number surviving by fleeing the premises. It is evident that situational murders of captured individuals and/or groups occurred in that area on 13 or 14 July 1995, seeing as, for example, some of the remains found at the Cerska primary burial site had ligature marks. At the same time, there are statements from the interviewed military column participants stating that they had seen a large number of bodies of their fallen fellow soldiers at the location where this burial site was exhumed.

According to an eyewitness, prisoners from Bratunac were transported north towards Batković on 14 July 1995 – as expected. However, the convoy stopped and offloaded prisoners of war at five localities along the way (Orahovac/the school in Grbavac, the Petkovci dam, the Kozluk gravel pit, Pilica, and the Branjevo Military Farm), all located along the Zvornik-Bijeljina regional road, from where they were taken to sites where they were later executed in mass shootings. The mass shootings at all of the locations and the mass graves are found directly near the local roads. From the aspect of the criminal investigation, it was not possible to estimate the number of shooting victims per location (for that type of analysis, see the research conducted by the forensic-anthropological team).

After the ARBiH 28th Division broke through the VRS line on 16 July 1995, most of the surviving combatants successfully crossed to ARBiH-controlled territory during the following two days. However, several smaller groups were left behind on VRS-controlled territory, as they were unable to break through with the rest of the soldiers. In addition to this, after the fall of Srebrenica, a number of 28th Division members crossed the border to the Republic of

Serbia, across the Drina River. Some of those were turned back to Serb-controlled territory. Those persons, along with others, were taken as prisoners of war to the Batković camp in the Bijeljina municipality, while in certain cases some of those prisoners were executed, mostly by unknown individuals or groups. Also, some of the able-bodied men who had sought protection from the United Nations peacekeepers at the Potočari compund were taken to the Batković camp, while others were taken to Bratunac. According to the ICTY judgment in the case no. IT-05-88-T, there were situational murders of prisoners of war after the breakthrough.

On 26 July 1995, the prisoners in Batković were registered with the International Committee of the Red Cross, which was granted unlimited access to the camp. Approximately 185 prisoners were registered as prisoners of war at the Batković camp in the latter half of July 1995. The exchanges of prisoners of war at the Batković camp began in July 1995 and ended on 24 December 1995, at which time the camp was shut down. No prisoner was murdered nor abused at the Batković camp while it housed prisoners of war. According to eyewitness statements, the VRS members treated the prisoners humanely.

Estimating the losses incurred during the breakthrough is an important part of the reconstruction of the events. The estimated population of Srebrenica in July 1995 was 35,500, out of which 23,000 civilians sought protection from the United Nations Dutch Battalion and were later evacuated. The estimated number of participants in the breakthrough column is 12,500. According to ICMP and ICTY databases, the total number of persons missing/killed in the events in Srebrenica is 7,692. The estimated surviving population of the enclave is around 27,800. Around 21.6% of the enclave population, including the population from several other municipalities in Podrinje, were killed in a variety of circumstances, in combat, mass shootings, mutual clashes between members of the same army, by committing suicides and in other ways. The majority of the casualties were male (7,548, or 98.12%). As for the age structure of the missing column participants, 89% was able-bodied population aged 16 to 60 years. That age limit corresponds to the order by the Srebrenica military authorities for men aged 16 to 60 years, that is, military conscripts aged 16 to 60 years, to report to the staging area to go for a breakthrough. Only a small fraction of the total number of missing column participants were under the age of 16 years (80 persons, or 1.04%). The breakthrough column included only 701 (9.11%) persons over the age of 60 years.

According to the time of disappearance, we split the missing into three groups: those who went missing within the critical period between July 11 and 19, 1995, those who went missing outside that period in July 1995, and those without a specified date of disappearance. An analysis of the data showed that most of the column participants were reported as missing within the critical period between 11 and 19 July 1995, a total of 6,674 (86.76%). According to ICTY data, out of the total number of persons missing/killed in the breakthrough, 70.1% were ARBiH members. The ICTY Prosecution did not include members of the reserve forces in their estimate. The lowest estimate of those captured and shot is 1,500-2,000 persons,

while the high estimate is 2,500-3,000 persons. As far as the estimate of persons killed in other circumstances (in combat, mutual clashes between members of the same army, by committing suicides, from landmines), the low estimate is around 4,000 persons, while the high is 5,000. 7,692 active and reserve force members of the ARBiH 28th Division were killed in the "Krivaja 95" military operation, when the VRS entered Srebrenica, and in combat and events related to the breakthrough column. This figure includes able-bodied men who were in Potočari on 11 July 1995, as well as those who joined this military formation on an ad-hoc basis. The VRS suffered the loss of 53 men in the "Krivaja 95" military operation, not including a large number of the wounded and the missing, as well as losses of military technology and armored weaponry.

One of the key aspects of the investigation in the Srebrenica case involves determining the identities of the victims. The International Committee for Missing persons (ICMP) identifies victims through DNA analysis. That list of missing persons was adopted by the ICTY as the official list of victims of war crimes. The ICMP list, that is, the ICTY Prosecution list, was amended in 2009 to exclude persons who potentially may have survived the events in Srebrenica, and one individual who was irrefutably confirmed to be alive. We would like to point out that the updated list was published in 2009, that is, 14 years after the Srebrenica tragedy, which was an exceptionally long time period to verify the list in detail and exclude the survivors from it.

The aforementioned facts indicate severe oversights in the ICTY Prosecution's work. Had the investigation been conducted according to the rules of the profession and had the circumstances of death been determined, the aforementioned oversights would not have occurred. However, this task was assigned to the ICMP, which deals with preliminary identification of victims through DNA, and not with determining the cause of death. The ICMP is, essentially, a DNA laboratory, and its mandate did not include conducting an investigation, which led to imprecise and incorrect fact-finding concerning the events of July 1995.

In the course of this research, we conducted a partial check of the updated ICTY Prosecution list from 2009 and during that check we have determined that it contained an individual who cannot by any means be connected with the time period of the events following the fall of Srebrenica, as that individual was killed in 1993. Also, we identified two persons whose identifying information (name, surname, father's name, date of birth) is identical to that of persons found in the logs of the BiH Agency for Identification Documents, Registers and Data Exchange. Those persons may be considered as potential survivors, which requires further inquiry.

Also, we conducted a partial check of the Srebrenica Memorial Center list of victims. Research showed a total of 36 names of individuals listed at the Memorial Center, who also appear in the logs of the BiH Agency for Identification Documents, Registers and Data Exchange as having been issued personal documents after the war in Bosnia and Herzegovina

ended. We compared names, surnames, father's names, and dates of birth. Those 36 names came back with a 100% match. In addition, we found significant overlap in the compared data for another 15 persons. The differences are mostly limited to a single character in a name or a surname. The aforementioned data indicates that those persons are likely alive, and therefore cannot possibly have been victims of the war events in July 1995. We also uncovered other potential irregularities in the list which warrant further inspection.

A partial check of the lists found that 26 of the persons buried at the Srebrenica Memorial were killed prior to 1995, of whom only one had died in May 1995, and the others in 1992 and 1993.

After the breakthrough, thousands of remains of fallen ARBiH 28th Division members were strewn around the battleground along approximately 80 kilometers of the route of the column. In order to prevent the spread of disease from rotting corpses, the VRS cleaned the battleground according to standard procedures. General Ratko Mladić, chief of the VRS Main Staff, gave the order to clean the battlefield on 21 July 1995. The order was issued immediately after the majority of ARBiH 28th Division members had successfully crossed over to ARBiH-controlled territory.

The VRS Drina Corps also issued an order to all subordinate units at the corps level to clean the battlefield. The breakthrough route was located precisely in the Drina Corps area of responsibility. On 21 July 1995, the Zvornik District Civil Protection Staff issued an order to municipal Civil Protection units to clean the field along the breakthrough route in the areas outside of the scope of combat operations.

Over the course of our research, we were unable to find any reports on the cleaning being carried out, only orders to do it. However, eyewitness statements from breakthrough participants confirm that the field was in fact cleaned not only after the combat operations ceased, but also while they were ongoing, particularly on the Nova Kasaba – Konjević Polje road, where a large number of ARBiH 28th Division members were killed. Other eyewitnesses gave testimony on the deaths of their fellow fighters during the breakthrough, listing them by name. A partial analysis showed that a number of those persons were later exhumed from primary or secondary burial sites.

The ICTY investigative team did not look into those statements or circumstances, even though it was within their mandate to do so. As a consequence of failing to conduct an investigation on the circumstances of death, the persons whose remains were cleared away are listed by the ICTY as victims of mass shootings, which is inconsistent with the facts.

In our reconstruction of the events that followed after the VRS had entered Srebrenica on 11 July 1995, we sought to objectively present facts heretofore less known or unknown to the general public. This research aims to contribute to better understanding and uncovering the truth about the tragic events surrounding Srebrenica.

Forensic Anthropological Analysis

From the viewpoint of forensic archeology, anthropology and pathology, an important aspect of reconstructing events related to Srebrenica in 1995 has to do with the number of decedents. It is clear from documents related to the fall of Srebrenica that it is not easy to get accurate data. One of the main institutions dealing with this issue for many years has been the International Criminal Tribunal for former Yugoslavia (ICTY), established in 1993. Over the ensuing years the Court has prosecuted predominately Serbs accused of committing war crimes in Bosnia and Herzegovina, with accusations of genocide initially based on an accepted number of nearly 8,000 persons executed in mass shootings. Demographers from the ICTY have explained in detail the main sources used for creating the list of missing persons (7,692) related to the events in Srebrenica, as well as the methodology utilized to calculate the number of Srebrenica-related victims, including the ratio between deceased individuals and the size of the population living in Srebrenica before the war. However, some scholars have strongly criticized the applied methodology, final results, and the ICTY experts' interpretations.

Regarding the demographic structure of those who died in connection with the fall of Srebrenica, it was confirmed that almost the entire population were Muslim and male, predominantly young. It is less clear what percentage of the victims were members of the military, and how much military losses contributed to the total number of casualties. The total number of matches between ARBiH records and the ICTY Office of the Prosecutor (OTP) list is 5,371; the ICMP has identified via DNA analysis 3,438 individuals from the ARBiH records who also appear on the OTP list. Another issue requiring attention is whether active troops, together with the ARBiH 28th Division reserve forces, who attempted to reach Tuzla from Srebrenica in July 1995, were engaged in military action, or whether they were simply "men (who) tried to escape the area by walking through the forest", as cited in many ICTY reports. Although certain documents do indicate that some individuals were "on assignment", regardless of the nature of the engagement of the ARBiH military staff in Srebrenica (official or non-official) and the quality of their military training and the possession of standard equipment (weapons, footwear and uniforms), the basic question remains: how did they die, and particularly were they all executed in mass shootings, as is generally accepted?

In the ICTY summary reports starting in 2009, the deaths of all persons identified by DNA in "Srebrenica-related mass and other graves" were attributed to mass executions at Kravica and other locations, Orahovac, the Petkovci Dam, Kozluk, and Branjevo/Pilica; all accounting for 6,849 of the victims identified by 2013, including the so-called unique Srebrenica-related DNA profiles which have not been matched to any missing persons. We have analyzed these connections and found that the total number of cases with a DNA connection represents 871 individuals found in two or more locations. Out of these 871, one DNA connection between an execution site (blood stains on an inner wall of a warehouse in Kravica)

and a secondary mass grave (the case of remains found at Zeleni Jadar 2) indicates that this person was executed. Apart from that one, only 386 cases indicated direct relations between primary and secondary graves, while the majority of DNA connections only showed links between different secondary sites. Unfortunately, these results, based on genetic identification, are insufficient to provide accurate forensic evidence on the number of executed individuals.

Since all executed individuals were initially buried in primary graves, analysis of "robbed" primary mass graves (where most of the remains were removed from a primary burial site and reinterred – at Glogova, Branjevo, Petkovci, Lažete, and Kozluk) and undisturbed graves was performed from the viewpoint of forensic archeology, in order to estimate the maximum number of individuals who could have possibly been buried in those graves. The forensic analysis showed that, theoretically speaking, the largest number of remains that could have possibly been buried in the primary graves does not exceed 3,715 individuals. Keeping in mind that the estimated maximum number of individuals (3,715) buried in all primary graves could only be taken as accurate in the case that the grave pits have been used in their totality – with no empty space between the bodies (that is, that the bodies were neatly stacked on top of one another), it is more than likely that the real number of remains interred in these burial sites was significantly lower than that, which was addressed in the criminal analysis.

The total number of remaining individuals in primary graves after robbing and individuals in non-robbed primary graves was 1,772, so, according to our analysis, it could be expected that a maximum of 1,943 individuals have been relocated from primary into secondary graves, provided that the spaces in the primary graves were filled to capacity with bodies. However, the total number of individuals buried and identified in secondary mass graves, according to the ICMP List of DNA Matching reports from 2013, was 4,114 (or, according to Janc, 2013 – 4,213). This figure indicates that approximately 2,171 (or, according to Janc, 2013 – 2,270) bodies from those graves came from alternative contexts, other than systematic execution.

A large number of bodies were found outside the context of major primary and secondary mass graves. After thorough analysis, excluding individuals who died before July 1995 in totally different parts of Bosnia and Herzegovina, Serbia or Croatia, we concluded that a conservative estimate of individuals found as surface remains could exceed the 756 identified by DNA, as presented by the ICTY in 2013. An additional 162 individuals in the "Pobuđe area", 55 individuals in the "Baljkovica area", and 25 individuals in the "Snagovo area" account for at least 999 persons. Another category of victims is represented by remains found in individual graves, and some small group grave sites. So far, more than 30 such gravesites are known, with an approximate number of individuals between 170 and 200. Our complex forensic analysis demonstrated that at least eight individual graves should be included, compared to 15 listed in the OTP 2013 Update, as well as a minimum of 25 individuals more than

was found in small group graves. Together with surface finds, these small graves contain a minimum number of 1,047 individuals.

According to the forensic analysis, the lowest estimate of those who were killed in combat between the ARBiH and the VRS, rather than in mass executions, is 3,128 individuals, although the figure could be higher, which was addressed in the criminal analysis.

One of the important categories of victims of the events in Srebrenica in July 1995 relates to a series of ambushes and armed combat during the military breakthrough by the Muslims (more than ten thousand people were in the column composed partly of members of active and reserve forces of the ARBiH 28th Division), who had left Srebrenica and intended to reach Tuzla. There are numerous documents detailing the actions of the Army of Republika Srpska forces trying to prevent Muslim armed forces from reaching Tuzla. Some documents cite VRS losses, with many eyewitness accounts detailing the effects of shelling the column and the resultant deaths of 28th Division members during the breakthrough. However, the essential answer to the question of how many people were killed in combat is still unknown. There are several forensic indicators of connections between the deaths of those people and surface finds/cases that were later discovered in the same area.

The number of individuals who disappeared "in the woods" at places that the Muslim armed forces troops passed through (such as Buljim, Bokčin Potok, Kravica, Mratinci, Kamenica, Udrč, Snagovo, Baljkovica etc., including "wooded" areas) is considerable. The place of disappearance, of course, does not necessarily mean that a person died at that location, however, evidence that 3,000 people had disappeared in the vicinity of combat lines led us to perform spatial analyses, starting from simply mapping of the discovered surface cases as a foundation, and then adding on another layer of the geographically reconstructed route, i.e. the course of the 28th Division's breakthrough. This provides a spatial pattern showing that the majority of surface finds were discovered in the direct line of the breakthrough and/or in its vicinity.

Information about the cause of death in pathology reports is somewhat limited because of soft tissue decomposition prior to the time of autopsy, so it was not always useful in attempting to discern the combatant/non-combatant status of the decedents, or the manner or particular circumstances of the deaths, even if evidence of gunshot injuries is present. However, it is not unreasonable to suggest that the presence of shrapnel or blast injuries implies that a certain number of individuals were killed in combat. Analysis of the causes of death cited in the database produced by the Podrinje Identification Project (PIP) in 2015, containing the records of 5,450 identified individuals, demonstrated that in 301 cases wounds from explosive weapons were mentioned as a possible cause of death. The highest concentration of individuals with explosive wounds was found in secondary grave sites along the road to Čančari (between Zvornička Kamenica and Čančari) – 122, followed by Liplje – 29 individuals. These graves, along with the locations of surface remains (57 individuals) follow

the spatial pattern of the breakthrough line and combat areas, which all suggests that those individuals were killed in a combat situation.

Analysis of the state of preservation and completeness of skeletal remains in the secondary graves demonstrated that some secondary graves have an unusually high level of body disarticulation and scattering of body parts. Since all grave sites shared similar characteristics and histories (location and time of creation, use of heavy machinery for digging, robbing and relocating the bodies, similar archeological methods of excavation, etc.), a uniform level of body fragmentation is to be expected. However, the level of fragmentation of skeletal remains (expressed as a quantitative relationship between complete or mostly complete remains and disarticulated body parts) demonstrated significant differences among the graves. Notably, commingled/mixed up bones in sites with the highest fragmentation and scattering of the remains were mostly from Liplje, Zeleni Jadar and Čančari Road localities. Those are also the sites which could contain individuals who were killed in combat by heavy weapons. The level of disarticulation in these graves does not correspond to the typical disarticulation ratio resulting from subsequent use of heavy machinery to transfer the remains to the secondary graves.

In addition to the clear evidence indicating that surface finds, small graves and some of the secondary graves contain the remains of individuals who died in combat circumstances, there is further evidence that some of the secondary graves contained the comingled remains of individuals who died in a variety of different contexts. Several examples indicate that individuals who died before or after the events in Srebrenica in July 1995 and in other contexts were buried together in the same mass grave. Examples of those are Blječeva 1 with bodies from war events from 1992, or Zalazje 1 which contains Serb victims from 1992 in addition to Muslim victims from 1995. Several secondary graves, such as the ones on the Čančari road or Zeleni Jadar, contain body parts directly connected to the surface remains cleared away from Pobuđe near Bratunac or the Baljkovica area, indicating that they had not been relocated from primary graves but most likely belonged to persons who were killed during the breakthrough and whose remains were cleared from the field and buried in those mass graves. Finally, some remains have unique DNA profiles which are not connected to any persons missing from Srebrenica at all. On the other hand, the remains of nearly 1,000 victims cited in the Srebrenica-related list of missing persons have never been found.

All of this raises many questions regarding the number of people who were executed in mass shootings, the number of those killed in combat, and the number of deaths that occurred in other contexts in the summer of 1995 and before that time. At the same time, it confirms that, according to the forensic research and findings explained above, a significant number of remains exhumed from the mass graves belonged to people who were killed outside the context of mass shootings.

International and Local Tribunals and Courts

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the United Nations Security Council Resolution 827 on May 25, 1993, as a body of the United Nations (UN), with the aim to try the perpetrators of war crimes in the former Yugoslavia. Needless to say, the Security Council is the most important political body in the United Nations, which is why it is more than clear that the ICTY has gained political legitimacy since its inception, which may indicate some reservations about its independence and impartiality as a judicial body. With this in mind, even though the findings of this body have political legitimacy, they do not necessarily represent factual history, nor should they influence current and future academic research.

If one wants to learn lessons from the conflict and crimes committed and tragedy that occurred in the Srebrenica region during the war and to make the best use of the lessons learned for the purpose of prevention, one has to know why and how it happened, namely, what was the motivation and mechanism of the crime. The ICTY should not automatically be viewed as without flaws/faults as providing a sound history of the conflict and crime study, especially when it failed to, or decided not to scrutinize, the nexus between the mass killings and the existence of the armed conflict, which is crucial in the investigation of the motives and mechanisms of the crime. The Srebrenica incident did not occur at a single point in time in a 'vacuum'. Rather, it took place over the course of a series of conflicts in Bosnia and Herzegovina and the region.

The foundations of the ICTY rest primarily in the longstanding efforts of Western states to establish and codify a system of International Law. The system of Western International Law that emerged over many centuries emerged in an effort to establish a doctrine of just war. More precisely, Western states have devised a system of International Law to try to bring order to the competing global interests of powerful states. Even though the mechanisms of this Law covered several topics, the most important were war and the conduct of war, and to a lesser extent, trade and economic issues. Although the development process of this system can be traced back to the middle of the 19th century, it particularly intensified after the end of World Wars I and II when additional efforts were made to control weapons and establish international peace keeping organizations.

International Law was initially developed as a result of efforts to establish rules that would ensure that countries participated in wars that could be and are justified. From that starting point, International Law has blossomed into an enormous, complex field of rules, regulations, statutes, and institutions. But it also suffers from two major impediments that will play heavily into the establishment and work of the ICTY. The first obstacle is the fact that the international system is chaotic, that is, in most cases, there does not exist an over-arching international organization that can enforce the decisions of the international courts. The second obstacle is that, in some cases, the major powers can enforce decisions using their

military power, but this also means that there is usually no superior force that would force the world's strongest countries to adhere to decisions in International Law. Consequently, administration of the norms of international law often is inherently biased. Naturally, this does not mean that war crimes indictments are always - or at least often - false and unfounded; however, they can be filed unfairly, without concrete evidence, in a spirit of spite and revenge, and for the wrong reasons. On the other hand, some war crimes indictments have not been filed in cases where there was a justifiable reason for doing so because the suspect countries are too large and too powerful.

When it comes to whether or not International Law applies to the military action and killings in the eastern enclaves of Srebrenica and Žepa, state sovereignty should first be mentioned, which is an inviolable foundation of International Law. In practice, there are several legal and illegal ways to undermine state sovereignty, and violating it is a norm that has been practiced for centuries. So, in theory, Yugoslavia, and later Bosnia and Herzegovina, were sovereign states, but the circumstances surrounding the breakup of Yugoslavia and the emergence of Bosnia and Herzegovina and other republics created conditions that opened the door for foreign forces to intervene.

Also, command responsibility, as a component of the International Law, was a major factor during the war in Bosnia and Herzegovina, especially in regards to the Srebrenica killings. How deeply were Mladić and Karadžić involved in either ordering the killings or knowing either beforehand or afterward about them? Of course, the number of innocent people killed is important, but regardless of whether that number is 8,000 or 2,000, it cannot be disputed that a war crime was committed and that someone issued orders and others committed the crime. The main problem was that the bias (on the part of those testifying and the judges who will determine the outcome of each case), faulty memories, hearsay, spite, promises of reduced sentences, and so forth, can make it very difficult at times to know the answers to the central questions. It was these problems that plagued the trials at the ICTY throughout its venue, often making it difficult to draw a direct line to those responsible for the killings and putting command responsibility in question, especially because of the changes requiring more specificity brought about by the 1977 Geneva Convention Protocol. Of course, in many cases, it was possible to draw that direct line, but in other instances, it was not, especially since command responsibility applies not only to military officers but to civilian authorities, who had less direct contact with soldiers than military officers. In addition, the requirement that superior officers and officials make known the rules to lower-ranked military personnel actually made the case of Srebrenica more difficult to prove, since there was scant evidence to prove that this was or was not done. Command responsibility was not the formal charge leveled against the overwhelming number of the accused. But, because of the lack of direct evidence of culpability in many, if not most cases, command responsibility was the underlying, default rationale for conviction.

The combination of Human Rights law, Crimes Against Humanity and Genocide and Universal Jurisdiction had enormous significance for prosecuting the killings in Srebrenica not because they are not legitimate tools for prosecuting crimes when used properly and judiciously, but because they are so broad and allow for so much leeway that they can be abused and be used as "catch-all" legal categories. Human Rights law and Crimes Against Humanity encompass very long lists of crimes and abuses that prosecutions almost always can be made in times of war and even peace. Also, the definitions of genocide are so broad and encompassing that they, too, can be applied in many wartime situations. Concerning Universal Jurisdiction, it may be the broadest category of all since it allows for almost any state or group of states to pursue a case. All these tools were abused in the case of Srebrenica, whether on purpose or not. That is, there were individuals from all three ethnic groups throughout the war who escaped prosecution based on these criteria, despite the fact that there was good cause to convict them, while, on the other hand, there were individuals who were convicted who probably should not have been. The fundamental problem is not that Serbs - or any of the other combatants - should not have been held accountable for war crimes in Srebrenica or elsewhere during the Bosnian war. Namely, the main issue is the unevenness and unfairness of the international judicial system, which is in need of reform.

Another issue was that the judges were strongly influenced by the Western media during the operations of the ICTY. In this context, the Muslim/Bosniak side was portrayed as a defender - each of their military actions was portrayed in the context of defense against Serb forces. Descriptions of a difficult humanitarian situation further support this characterization. On the other hand, as an attacker, the Serb side was portrayed extremely negatively – VRS forces did not respect resolutions, armistices, and agreements, and their main goal was ethnic cleansing (and genocide) and the like. Defining the Serb side as an attacker, with a negative characterization, implied that the Muslim/Bosniak side was positive. In other words, the picture was black and white - there was a bad attacker (Serbian side) and a good victim (Muslim/Bosniak side). In addition, foreign factors have been described as passive observers. This characterization additionally strengthened the mentioned descriptions of the attacker and the attacked. The readers were, therefore, offered only one, exclusive interpretation – the fundamental reason for the fall of Srebrenica and subsequent crimes was the unwillingness of the Western and international factors to use force against the VRS.

Also, a very important fact refers to the discrepancy in the term "army". Namely, Muslim forces were consistently characterized in this way, and far more often than Serbian forces were. Researchers believe that the reason lies in the fact that the Bosniak side, with its political and military institutions, was defined as the only legitimate one (hence the frequent use of the term legitimate or government as the epithet by which they are described). In contrast, the Serb side was not defined as legitimate – its political institutions were usually self-styled and/or written in quotation marks (e.g., Nikola Koljević, deputy of Bosnian Serbs' "parliament", etc.), and military institutions were defined using general terms.

This undoubtedly simplified picture was reaffirmed and repeated through practically every newspaper article. Given that "The Guardian" alone dedicated almost 2,000 headlines to the war in Bosnia and Herzegovina, it becomes clear to the reader how strong this simplified interpretation is, incessant, and long-lasting.

The bias was so strong, even to the extent that evidence to the contrary was considered irrelevant. In many cases, nothing happened even when other witnesses denied the testimonies of some witnesses, which should have been enough to raise reasonable doubt. There were also specific cases where witnesses, who were themselves indicted for war crimes and who defended themselves in their own trials, were offered reduced sentences or even immunity from prosecution if they told the judges what they wanted to hear. Also, the explanations and verdicts of the ICTY, as well as many prosecution arguments, were rich in descriptions of scenes of horror, destruction, and chaos but provided very little evidence that directly connected the accused individuals with the committed crimes. For example, although "command responsibility" was formally mentioned in very few cases, in reality, it meant that "command responsibility" was implied in almost all cases, because in such circumstances, clear, concrete evidence was not needed, but only the accusation that the accused "knew or he should have known." This certainly does not mean that every decision or judgment rendered by the ICTY was wrong, but it does mean that there is sufficient reason to describe the work of this body more often as a political endeavor than as the administration of justice.

Perhaps the most glaring example of a "political" trial was also one with the highest profile, that of Radovan Karadžić. The Court and prosecutors spent a great deal of time describing awful scenes, especially in connection with Srebrenica, but producing very little evidence purporting to connect Karadžić to the events being described. The prosecution and the defense both produced witnesses, but only the prosecution witnesses were believed. There was no way Karadžić was going to be found not guilty. He was found guilty because he was the President of the Republika Srpska (RS), so he "must have known" and "must have approved." This would be the default model in most democracies (especially in the West), where the head of state certainly would know about such criminal action. But that is not the applicable model in the RS, a point that neither the Judges nor the prosecutors appear to have understood. And yet, he was found guilty of genocide, crimes against humanity, and violations of the laws or customs of war. Of course, each of these crimes is heinous, but they also are very broad and can be "catch-all" crimes that can be used when there is little or no evidence. If the meaning of these crimes gets diluted, they also become crimes that can be made against virtually any military that has ever fought in any war. Again, the point is not that every accused individual is innocent of legitimate war crimes guilt, but that the same weaknesses inherent to universal jurisdiction, victor's justice, and political motivations played out in many cases. In too many cases, the finding of guilt simply was not sustained "beyond reasonable doubt."

In order to make these allegations clearer, it is necessary to take a look at the cases before the ICTY related to the Srebrenica region. When it comes to crimes against the Serb population in the region, only Naser Orić has been tried before the ICTY. In 2006, Orić was sentenced by the Trial Chamber by a judgment that was not final to two years in prison for failing to perform his duty as a superior to take the necessary and reasonable measures to prevent the murders that had happened from December 27, 1992, to March 20, 1993, in accordance with Articles 3 and 7 (3) of the Statute. However, in 2008, by a judgment of the Appeals Chamber, the defense's appeal was upheld, and Naser Orić was acquitted on all counts of the indictment.

The only proceedings brought before the ICTY for crimes against the Serbs in the Srebrenica region are the aforementioned proceedings against Naser Orić. Given the number of crimes that his unit committed against Serb civilians, and the fact that he was personally involved in some of them, it does not seem to make sense that, after the appeal, this case ended in acquittal. This acquittal is not the only example of its kind; the role of Croatian General Ante Gotovina in the 1995 Operation Storm should also be mentioned, who was also acquitted by the Appeals Chamber.

So far, 27 persons have been tried before the ICTY for crimes against the Bosniaks in the Srebrenica region, of whom 20 have been sentenced by final judgment to four life sentences and 272 years in prison (it should be borne in mind that some of these persons have been indicted and convicted of crimes committed in several municipalities in Bosnia and Herzegovina, not just crimes committed in the Srebrenica region).

The situation with the Court of Bosnia and Herzegovina (hereinafter: Court of BiH) is largely the same, which has processed a large number of cases, namely 137 persons, for crimes that are territorially related to the Srebrenica region. Ten people have been prosecuted for crimes against the Serb population in the region. All defendants were charged with war crimes against civilians and/or war crimes against prisoners of war. Specifically, four persons were charged with war crimes against civilians under the SFRY CC (Article 142), two with war crimes against civilians under the BiH CC (Article 173), two with war crimes against prisoners of war under the SFRY CC (Article 144), and another two with war crimes against civilians and war crimes against prisoners of war under the BiH Criminal Code (Articles 173 and 175). The proceedings against nine defendants were concluded, and three of them were sentenced by final judgment to 22 years in prison (one person for war crimes against civilians and war crimes against prisoners of war under the CC BiH, and two persons for war crimes against civilians under the SFRY CC), five defendants were acquitted, and one defendant died during the proceedings. The proceedings against one person are ongoing.

One hundred twenty-seven persons have been indicted before the Court of Bosnia and Herzegovina for crimes against the Bosniaks in the Srebrenica region. Forty-seven persons have been indicted for the crime of genocide under the CC BiH (Article 171), 64 persons

for crimes against humanity (this offense was not set out in the CC SFRY) under the CC BiH (Article 172), 12 persons for war crimes against civilians under the CC BiH (Article 173), and four persons for war crimes against civilians under the SFRY CC (Article 142). The proceedings against 65 persons were concluded, of whom 35 were sentenced by final judgment to a combined total of 526 years in prison (13 persons for genocide under the SFRY CC, 16 persons for crimes against humanity under the BiH CC, and six persons for war crimes against civilians under the SFRY CC), 25 persons were acquitted, and the proceedings against five persons were terminated due to the death of the defendants. Proceedings against 57 people are ongoing, while proceedings against five other persons have been transferred to other courts.

The indictments for the crime of genocide and crimes against humanity were confirmed exclusively for crimes against the Bosniaks. So far, no indictment has been filed for crimes against Serbs relating to the crime of genocide and crimes against humanity.

Legal Perspective

According to the United Nations definition, genocide marks acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such. The very concept of genocide, coined by Raphael Lemkin, was recognized by the United Nations General Assembly in 1948 and was defined by the 1951 Convention on the Prevention and Punishment of the Crime of Genocide. The term genocide originated during the Holocaust of World War II and was later sanctioned by the United Nations, the Geneva Convention, and the International Court of Justice as the most serious form of crime against humanity. Once coined, it was quickly retroactively assigned to certain historical events, such as the Turkish expulsion of the Armenians during World War I or the displacement of the American Indians from the United States. In addition, a large number of scholars, today, without a doubt, speak of the genocide against Serbs in the Independent State of Croatia, on the territory on which the Holocaust and genocide against Roma were also committed. More simply, it is a term associated with an intentional extermination process. In that sense, it is not in itself subject to individual offenders unless they are part of an agreement that nurtures such plans. Even then, any manifesto that promotes the extermination of a human group or its culture would undoubtedly involve more individuals.

All actions that do not fit this definition must be adjudicated as other types of war crimes. Consequently, individual episodes of violence, such as crimes or massacres, do not in and of themselves constitute genocide, regardless of the number of victims. This is especially the case during armed conflicts when mass violence is considered a military necessity. It is clear that the abuse of the label genocide for political purposes or for the purpose of inciting interethnic or any other form of hatred is untenable.

When it comes to genocide in the context of the events in the Srebrenica region and the ICTY verdicts, it is indisputable that the Tribunal took too narrow a view of the events of July 1995, even though no indications exist that the judges failed to act extremely professionally and impartially. However, the ICTY did not discuss various motives, such as the Serb side offering to exchange Srebrenica and Žepa for the Serb-controlled territory in and around Sarajevo, nor did it address the ongoing military threat by the 28th Division of the Army of the Republic of Bosnia and Herzegovina stationed in Srebrenica at the time of demilitarization since 1993. Simultaneously, the motivation for the massacre was not discussed enough. It was only displayed that the Army of Republika Srpska followed a clear military directive to "cleanse" the area of any military threat embodied in the Croatian and Muslim offensive.

Namely, the fact stands that the Army of Republika Srpska indeed had a plan to take control of the territory of the enclave of Srebrenica; however, the logical conclusion is that such an action was of military importance for several reasons. It has already been said that the area was under the control of the armed brigades of the 28th Division of the Army of Republic of Bosnia and Herzegovina, the headquarters of which were in Srebrenica. Hence, it is clear that the forces of the Army of Republika Srpska considered that they should have control over it. There existed a constant threat from the armed 28th Division under the command of Naser Orić, and it was clear that these troops not only achieved military successes but also committed war crimes against the Serb population in their villages. Directives 7 and 7/1 of the VRS were passed precisely because of the threatening attacks by Croat and Muslim forces. Finally, analyzing the Directives, it becomes clear that the attack on the enclave was based on military necessity, i.e., that the main goal was the complete physical separation of Srebrenica from Žepa, which should have prevented communication between these enclaves. The displayed method of shelling to prompt the civilians to leave the area before a major attack occurred shows that there was no intent to capture and kill Muslims. Had there truly been a demilitarized enclave of Srebrenica under the protection of the United Nations, as it should have been, such a situation would, in fact, suit the leadership of the Army of Republika Srpska, as it would let them put their military troops on another front and they certainly would not have planned an action to capture Srebrenica.

In addition, the ICTY considered that Srebrenica, despite its small size, housed a significant part of the total Muslim population in Bosnia and Herzegovina and that there was a specific intent to destroy a protected group of Muslims as such. The term "significant part" was interpreted in such a way as to dilute its original meaning unduly. According to Rafael Lemkin and the definition of genocide, partial destruction must be essential in nature, in the sense that it affects the whole, given that the Convention on the Prevention and Punishment of the Crime of Genocide applies only to acts of mass proportions. The lawyer who was among the first to deal with the definition of genocide, Nehemiah Robinson, also held this view, explaining that the perpetrator of genocide must have the specific intent to destroy a significant number of individuals who are part of the target group. Thus, it can freely be stat-

ed that there is no reason to interpret the Convention in any other way. With all this in mind, the condition from Article 2 of the Convention is not fulfilled because the number of civilians and soldiers killed in Srebrenica could not affect the total Muslim population in Bosnia and Herzegovina in terms of their survival.

Namely, the Army of Republika Srpska announced on several occasions its decision to attack and destroy the enclaves, starting on March 8, 1995, three months before the attack. The world quietly accepted and expected the military destruction of the Srebrenica and Žepa enclaves, as described in detail in the Report itself. Therefore, in those months, Srebrenica was no longer a symbol of the presence of Muslims in the region; it became a symbol of the world's disinterest in their continued existence. It is clear that in the eyes of the leadership of the Army of Republika Srpska, as well as the rest of the world, the population of Srebrenica could not have been considered a representative or even a significant part of the Muslim people in Bosnia. Therefore there could be no intention to destroy a significant part of the protected group of Muslims. The world rediscovered its conscience only after they discovered the massacres. However, the Tribunal could not link the attack on Srebrenica and the eviction of the Muslim population to the massacres that followed after the fall of Srebrenica of the captured members of the military column and able-bodied men who remained in Potočari, as such plans for the massacre did not exist before the enclave fell and before the column formed.

From a legal perspective, it is important to distinguish the military attack on Srebrenica from the mass killings that followed the attack. The ultimatum issued by Mladić was found to be in line with a year-long practice, introduced back in Directive 4 passed in November 1992, which stated that able-bodied and armed men needed to be disarmed, and should they fail to do so, the order stood to destroy them. Mass executions after July 12 can easily be seen as a horrific consequence of refusing to surrender. By not considering the perpetrators' motives for killing these able-bodied men, such as the attempt to eliminate the military threat, as the defense argued, the Tribunal's standard for determining the specific intent to exterminate Muslims in Bosnia and Herzegovina in whole or in part was incomplete.

Also, expanding the meaning of certain terms by definition, such as "in part," "significant part," and "destroy" also leads to misapplication of the term "genocide." In fact, by adopting an interpretation of genocide that could not and would not be universally applied, the Chamber has unsustainably expanded the meaning of the term. To the extent that this groundbreaking discovery affects modern interpretations of genocide, crimes against humanity, and war crimes, this means that limiting the findings to crimes against humanity - thus maintaining clearer distinctions between these groups of crimes - would better have served the Tribunal's authority.

Finally, after a thorough investigation by the Independent International Commission of Inquiry on Sufferings of Serbs in the Srebrenica Region between 1992 and 1995, it is

concluded that neither an individual crime of genocide nor genocide in general took place in Srebrenica. Although the Commission does not consider the killings around Srebrenica as genocide, it recognizes the fact that thousands of people (mostly prisoners of war) were killed in the most horrific way and that those responsible for these heinous crimes should be punished.

The findings of the Tribunal on genocide will not stand the test of time because the Commission is convinced that the crimes in Srebrenica cannot be considered genocide under Article VIa of the Rome Statute combined with the reasoning that such conduct must take place in the context of similar behaviors aimed against the group or that such behavior in itself could have caused such destruction. In a broader sense, it is crucial for the prevention of future genocides that the notion of genocide as a crime above all crimes must not be diluted. If the term is used so lightly, as in the case of the events in Srebrenica in July 1995, it would eventually become meaningless. If such a legal understanding is realized in the future, allegations of genocide will regularly follow any army and become common to all conflicts. Most importantly, such allegations would carry very little consequences.

At the same time, armed conflicts are not organized spectator sports with clear winners and losers. They are complicated events with lasting psychological implications for all survivors. It is more than clear that the population of this region, as well as the whole of Bosnia and Herzegovina, regardless of their ethnic background, has experienced a great tragedy and a new trauma that often builds on the traumas of previous wars. The consequences of war horrors are present in members of all combating parties. It is necessary to find ways to adequately treat these traumas and restore mutual trust and future reconciliation in society, among other things, through the application of restorative justice.

Restorative justice has reconciliation as its primary goal – a major departure from the vindictive, punitive, retributive, and stigmatizing focus of the adversarial judicial process. The aboriginal model presented an historical perspective, while the South African and Canadian reconciliation processes are contemporary examples. In essence, a restorative/reconciliation assessment of the Bosnian-Herzegovina war (1991-1995) in particular, and all the other wars in the Balkans (1991-2002) should involve an independent academic/legal assessment based on the ABC clinical model where "A" signifies looking at antecedents or contravening variables leading "B," the behavior in question (3rd Balkan Wars), and "C," the subsequent consequences of "B" – the Dayton Accord; ICTY; and the ICJ/ICC. Toward this end, the focus needs to be on the "charges" per se instead of individual indictments along with the inherent bias associated with selective prosecutorial adjudications.

The focus of the "restorative social justice" model is to look at the events deemed criminal, to assess the judicial proceedings relevant to the administration of justice (procedural versus distributive), and to lay out the sequence of events that occurred (ABC model) so that a factual portrayal can be ascertained – one that can then be disseminated without

political, racial, or sectarian biases. Geo-political, race/ethnic, and/or sectarian biases are greatly reduced by focusing on the indictable events per se and not solely on individual defendants. This offers a better assessment of legal ethics, something sorely absent during many adversarial contests. Moreover, the outcome of a restorative social justice proceedings is not recrimination or exoneration but a presentation of all relevant facts, including the shared horrors of war, especially civil wars. It also extends the investigation to external (proxy) forces that deliberately benefitted from the conflict often by directly or indirectly exacerbating factors that tended to prolong its duration. Foremost, any viable restorative social justice endeavors need to include all parties constituting the former Yugoslavia.

The Report submitted here is a result of the very hard and intensive work over approximately 1.5 years by an international Commission, whose members were objective experts, representing seven countries, who were anxious to reach the historical facts and only the historical truth. None of the Commission's members had any prejudices against any of the parties involved in the conflict, none came with any solid ideas on the nature and background of the conflict.

The findings of the Report have strengthened the Commission's view that it was its right and duty to investigate the issues again from various aspects, and that the Commission's scientific approach has contributed to a better understanding of the events, the historical and political context, and the power of evidence presented to the courts.

Until now, it had been a widely accepted interpretation that the killing of 8,000 Muslim males resembles the genocidal crimes committed by the Nazis who systematically separated Jews and other minorities from the rest of the population only to subsequently murder them. The findings of the Commission demonstrate that a crime of such a nature has not taken place. Moreover, the Commission has found that Muslim forces of the ARBiH 28th Division inside Srebrenica formed a military column of more than 12,000 army members which broke through formations of the Serbian army and headed towards Muslim territory. Attacks on this column, which caused the death of approximately 4-5 thousand members of the ARBiH 28th Division, can be considered legitimate military actions. However, the execution of 2,500-3,000 military prisoners, including several hundred male civilians from the Potočari compound, besides several hundred exchanged soldiers, does constitute a war crime. The commission does not have any doubts about the criminal nature of these killings.

It cannot be found, however, that these murders were committed with any other intention than to eliminate a military threat in the wake of the military assault of Croatian and Muslim forces on Serb territory ("Operation Oluja"). Concerning the existence of a special intent to destroy a protected group, the findings of the ICTY are not conclusive. The Commission was not able to identify a single case in which the judges at the ICTY had discussed any other motive for the killings other than genocide. The chambers of the ICTY have not once discussed the fact that the Serbs had been subject to genocide committed by the Croats

with the assistance of the Muslims during World War II and that the Serbs in more than 150 settlements in and around the Srebrenica region had been subject to brutal assaults and ethnic cleansing by Muslim forces in the years 1992 and 1993 and even 1995. It has interpreted the massacres in the Srebrenica region as an open message towards all Muslims in Bosnia that they would await the same fate. The commission has demonstrated that there is no evidence of such intent.

Bearing in mind the variety of different contexts, it became clear that precise numbers of diverse manners of deaths could not be given; therefore, we have tried to give as accurate estimates as possible. The Commission considers that, in the light of all of the facts of its investigation, the term "genocide" cannot be attached to those tragic events.

The Commission is aware that previous commissions have come to different conclusions, however, only the reviewed facts have dictated the results of the Report submitted here, and therefore it can be stated that all members find the final result a solid, objective, historically scientific and accurate analysis.

The Commission did not spare any effort or energy to reach the historical facts. The members of the Commission worked intensively to investigate the tragic events and to analyze them authentically.

The Commission consisted of various experts, from various countries, representing many cultures and mentalities. It is natural, therefore, that during its work, the members had some discussions and dilemmas. Nevertheless, the Report has been signed by all members, who completely and fully agree with its final conclusions. The Report represents the goal of the Commission's members to expose the facts behind the Srebrenica conflict to the best of their abilities, and to remove the curtain which has obscured some of its historical details. It is an authentic and non-prejudiced document.

The final Report of the Commission should help in facing the past, lead to a strengthening of trust and tolerance among the peoples of Bosnia and Herzegovina, and assist with the final reconciliation and coexistence of all present and future generations. The Commission did not aim to marginalize or diminish the suffering of any peoples; quite the contrary, its members expressed their deepest respect and sympathy for all of the victims from all cultural and ethnic backgrounds who tragically lost their lives in the devastation during the civil war in Bosnia and Herzegovina. The Commission sought to attain the truth through an objective examination of the facts in connection with the occurrences from the armed conflict in this area and the application of a non-selective restorative justice process, believing that only in this way could human suffering be placed in context and eventually lead to reconciliation and dialogue.

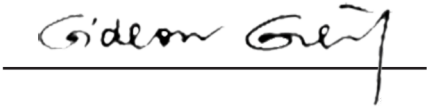
The Commission hopes that after this Report, concrete steps will be taken towards facing the past of all, both the parties that were in conflict and the representatives of the international community, international organizations and associations of war victims. One such step could be to pay tribute to the victims of all parties at the sites of their suffering by

representatives of all the above parties. True and non-discriminatory respect for all innocent victims by the joint delegations of the above parties is a step that can contribute to a common confrontation with the past and a better understanding of the universal truth about the dignity and value of every human life.

The Commission further recommends initiating an open dialogue between victims from all warring sides and even perpetrators where possible in the region of Srebrenica and the whole of Bosnia and Herzegovina.

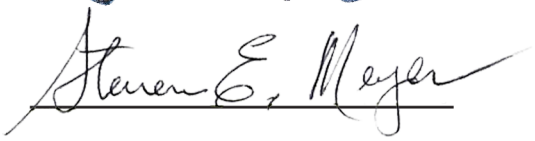
Signatures:

Gideon Greif (Chair)



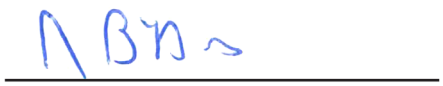
Yukie Osa, (Vice-Chair)

Steven Meyer

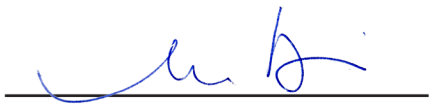


Laurence Armand French

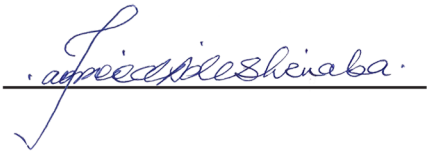
Roger W. Byard



Marija Đurić

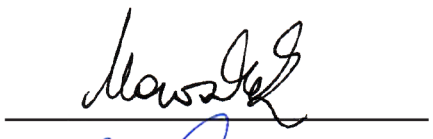


Adenrele Shinaba

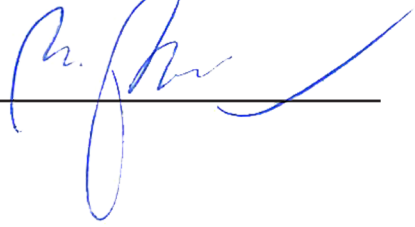


Giuseppe Zaccaria

Walter Manoschek



Markus Goldbach



APPENDICES

Appendix I

Commission's requests for provision of information sent to establishments and institutions of Bosnia and Herzegovina and its entity, the Federation of Bosnia and Herzegovina.

IC SR Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

РЕПУБЛИКА СРПСКА
МИНИСТАРСТВО ПРАВДЕ
РЕПУБЛИЧКИ ЦЕНТАР ЗА ИСТРАЖИВАЊЕ РАТА
РАТНИХ ЗЛОЧИНА
ПРИМЉЕНО:
ОРГ ЈЕД. | БРОЈ | ПРИЛОГ | ВРИЈЕДНОСТ
02/1.01/772-75-162/18

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Federal Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, we hereby request that you provide us with the following documents (up to 31 December 2019):

- All data available on the number of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci).
- List of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci).

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,
Gideon Greif
Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-163/18
Date: 27 February 2020

FEDERAL MINISTRY FOR THE ISSUES OF VETERANS AND DISABLED VETERANS OF THE DEFENSIVE-LIBERATION WAR
7 Hamdije Ćemerlića, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Federal Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- All data available on the number of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- List of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci).

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

[A repley letter has never been received]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

РЕПУБЛИКА СРПСКА
МИНИСТАРСТВО УНУТРАШЊИХ ПОСЛОВА
РЕПУБЛИЧКИ ЦЕНТАР ЗА ИСТРАЖИВАЊЕ РАТА
БРОЈ | ПРИЛОГ | ВРИЈЕДНОСТ
08/4.01/772-75 7/19/13

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the FB&H Ministry of the Internal Affairs, we hereby request that you provide us with the following documents (up to 31 December 2019):

- All data available on the number of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- List of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had departed from Srebrenica on 11 July 1995, on the Srebrenica-Tuzla road or on their way towards other parts of the FB&H, which were given to the official bodies and are filed in your archives.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net www.rcirz.org

No.08/4.01/773-75-159/18
Date: 27 February 2020

MINISTRY OF THE INTERIOR OF THE FEDERATION OF BOSNIA AND HERZEGOVINA
7 Mehmed Spahe, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Ministry of the Interior of the Federation of Bosnia and Herzegovina, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- All data available on the number of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- List of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina, which were given to the official bodies and are filed in your archives.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
FEDERAL MINISTRY OF THE INTERIOR
DIRECTORATE OF FEDERAL POLICE
S A R A J E V O

[logo: Directorate of Federal Police]

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
FEDERATION MINISTRY OF INTERIOR
DIRECTORATE OF FEDERATION POLICE
S A R A J E V O

[stamp in Cyrillic:
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
REPUBLIKA SRPSKA CENTRE FOR RESEARCH OF WAR AND WAR CRIMES
AND THE TRACING OF MISSING PERSONS

RECEIVED: [handwritten: 1 April 2020]			
ORGANISATIONAL UNIT	No.	ADDENDUM	VALUE
[handwritten: 08/4.0	1/77	3 – 75 –	159 /18]]

No.09-45-1-653/20
Date: 30 March 2020

Pursuant to Articles 14 and 19 of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), (hereinafter: FBiH FAIA) and the Decision of the Directorate of Federal Police No.09-19/1-30-2-125, dated 20 February 2020, in response to a written request of the Republika Srpska Ministry of Justice Centre for Research of War and War Crimes and the Tracing of Missing Persons in Banja Luka (hereinafter: Applicant), Information Officer of the Directorate of Federal Police i s s u e s t h e f o l l o w i n g

D E C I S I O N

Access to information **is granted** in its entirety to the Applicant who requested information on the number of fatalities by year of death and the victim status, the list of fatalities, by year of death and victim status, who died between 1992 and 1995 in the areas of the pre-war municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići and Kalesija (Osmaci), and witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina.

E x p l a n a t i o n

On 17 March 2020, the Directorate of Federal Police received the Applicant's request No. 08/4. 01P73-75-159/18, dated 27 February 2020, which contained sufficient information necessary to act in accordance with Article 11, paragraph 2, of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina.

In response to the request in question, the competent organizational unit of the Directorate, Centre for the Investigation of War Crimes, was requested to act in accordance with it, and the Centre for the Investigation of War Crimes, upon examining the existing official records, submitted a notification stating that they did not have the requested data. It was further stated that the Centre for the Investigation of War Crimes only acts upon orders issued by the Prosecutor's Office of Bosnia and Herzegovina and other competent prosecutorial offices in Bosnia and Herzegovina and it was noted that the Centre has not received any orders from the competent prosecutorial offices requesting the collecting of the above requested data, as well as that such data should be sought from the Prosecutor's Office of Bosnia and Herzegovina, State Investigation and Protection Agency of Bosnia and Herzegovina, the Missing Persons Institute of Bosnia and Herzegovina and the Institute for Research of War Crimes.

On the basis of everything presented above, it has been decided as stated in the wording of the Decision.

Instruction of legal remedy: A complaint against this decision may be filed with the Deputy Director of the Directorate of Federal Police within 8 (eight) days of receiving the decision.

INFORMATION OFFICER
[signature: Alić M.]
Mersiha Alić

Delivered to:
- Applicant (by ordinary post)
- ad acta

[stamp: Bosnia and Herzegovina – Federation of Bosnia and Herzegovina, Federal Ministry of the Interior, Directorate of Federal Police, Sarajevo]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Federal Pension and Disability Insurance Institute, we hereby request that you provide us with the following documents (up to 31 December 2019):

- List of Army of Bosnia and Herzegovina members from the pre-war municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica, Kalesija, and Kladanj that were killed during the war (199-1995) in Bosnia and Herzegovina, based on whose deaths their families have a vested right to a family pension granted by the Federal Pension and Disability Insurance Institute.

Reason for requesting access to information is that the data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-160/18
Date: 27 February 2020

FEDERAL PENSION AND DISABILITY INSURANCE INSTITUTE
2 Ložionička, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), we hereby submit a request for access to the following information relating to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Federal Pension and Disability Insurance Institute, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- List of Army of Bosnia and Herzegovina members from the pre-war municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica, Kalesija, and Kladanj that were killed during the war (1992-1995) in Bosnia and Herzegovina, based on whose deaths their families have a vested right to a family pension granted by the Federal Pension and Disability Insurance Institute.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

[stamp in Cyrillic: REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
REPUBLIKA SRPSKA CENTRE FOR RESEARCH OF WAR AND WAR CRIMES
AND THE TRACING OF MISSING PERSONS

RECEIVED: [handwritten: 21 April 2020]			
ORGANISATIONAL UNIT	No.	ADDENDUM	VALUE
[handwritten: 08/4.0	01/7	73 – 7 –	5-160/18 /18]]

[barcode: P/3986266]

[logo: Federal Pension and Disability Insurance Institute]

DIRECTOR'S OFFICE
Dubrovačka bb, Mostar 88 000
Telephone: +387 36 445 670
Fax: +387 36 445 693
e-mail: ured.direktora@fzmiopio.ba
2 Ložionička, Sarajevo 71 000
Telephone: +387 33 723 125

No.FZ1/3-04-7-152-2/20
Sarajevo, 14 April 2020

BOSNIA AND HEREZEGOVINA
Republika Srpska
Ministry of Justice
Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons

S U B J E C T: Notification is delivered
Re: Your document No.08/4,01/773-75-160/18 dated 27 February 2020

In the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons' request for access to information, dated 27 February 2020, it was requested of the Federal Pension and Disability Insurance Institute that it provides a list of the Army of Bosnia and Herzegovina members from the pre-war municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica, Kalesija, and Kladanj that were killed during the war (1992-1995) in Bosnia and Herzegovina, based on whose deaths their families have a vested right to a family pension granted by the Federal Pension and Disability Insurance Institute.

Article 1 of the Freedom of Access to Information Act ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11) states that the primary aim of this Act is acknowledging that information in the control of public authorities is a valuable public resource and that public access to such information promotes greater transparency and accountability of public authorities, and is essential to the democratic process, as well as establishing that every natural and legal person has a right to access this information to the

greatest extent possible consistent with the public interest, and that public authorities have a corresponding obligation to disclose this information.

In this case, the specified information was not created within the scope of work of the Federal Institute (procurement procedures documentation, data on salaries of civil servants, work reports, information on open competition procedures, etc.), but rather the specified information was created in administrative proceedings instituted in accordance with the requests of beneficiaries of rights.

Furthermore, we refer you to a provision of Article 6 of the Act on the Register of Insured Persons and Beneficiaries of Rights Provided under Pension and Disability Insurance ("Official Gazette of the Federation of Bosnia and Herzegovina", No.52/11) which states that the register contains data on insured persons, persons for whom contributions are paid, and persons whose pensionable service is determined by a decision, that is persons whose periods in employment relationships have been registered in their employment records, as well as persons insured on the basis of international contracts on social insurance who are payers of contributions to pension and disability insurance for persons who are beneficiaries of rights of the pension and disability insurance in the manner prescribed by the Act.

With regard to what was stated above, we hereby inform you that the Federal Pension and Disability Insurance Institute does not keep a record of persons killed during the aggression against Bosnia and Herzegovina between 1992 and 1995, that is that this Institute is not required by law to keep a record of persons killed upon whose death another person has a vested right to a family pension, and thus we are unable to comply with your request.

[stamp: illegible]

DIRECTOR

[signature: illegible]

Zijad Krnjić, MA

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

РЕПУБЛИКА СРПСКА
МИНИСТАРСТВО ПОСЛОВЕ
РЕПУБЛИЧКИ ЦЕНТАР ЗА ИСТРАЖИВАЊЕ РАТА
РАТНИХ ЗЛОЧИНА И НЕСТАЛИХ ЛИЦА
ПРИЈЕМНО:
ОРГ. ЈЕД. | БРОЈ | ПРИЛОГ | ВРИЈЕДНОСТ
02/4.01/77-75-162/18

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Intelligence and Security Agency of Bosnia and Herzegovina, we hereby request that you provide us with the following documents (up to 31 December 2019):

- Witness statements of persons who survived the breakthrough, after they had departed from Srebrenica on 11 July 1995, on the Srebrenica-Tuzla road or on their way towards other parts of the FB&H, which were given to the official bodies and are filed in your archives.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-162/18
Date: 27 February 2020

INTELLIGENCE AND SECURITY AGENCY OF BOSNIA AND HERZEGOVINA
7 Mehmeda Spahe, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No.28/00), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Intelligence and Security Agency of Bosnia and Herzegovina, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina, which were given to the official bodies and are filed in your archives.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

[A repley letter has never been received]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Ministry of Defence of Bosnia and Herzegovina, we hereby request that you provide us with the following documents (up to 31 December 2019):

- Number of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995);
- List of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995);
- Documentation concerning the breakthrough of the 28th Division of the Army of Bosnia and Herzegovina after its departure from the Srebrenica enclave on 11 July 1995;
- Witness statements of persons who survived the breakthrough, after they had departed from Srebrenica on 11 July 1995, on the Srebrenica-Tuzla road or on their way towards other parts of the FB&H, which were given to the official bodies and are filed in your archives.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-164/18
Date: 27 February 2020

MINISTRY OF DEFENCE OF BOSNIA AND HERZEGOVINA
98 Hamdije Kreševljakovića, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of Bosnia and Herzegovina ("Official Gazette of the Bosnia and Herzegovina", No. 28/00), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Ministry of Defence of Bosnia and Herzegovina, we hereby request that you provide us with the following information:

- Number of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995);
- List of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995);
- Documentation concerning the breakthrough of the 28th Division of the Army of Bosnia and Herzegovina after its departure from the Srebrenica enclave on 11 July 1995;
- Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina, which were given to the official bodies and are filed in your archives.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

BOSNIA AND HERZEGOVINA
Ministry of Defence
Defence

[coat of arms: Bosnia and Herzegovina]

BOSNIA AND HERZEGOVINA
Ministry of

[stamp in Cyrillic:
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
REPUBLIKA SRPSKA CENTRE FOR RESEARCH OF WAR AND WAR CRIMES
AND THE TRACING OF MISSING PERSONS

RECEIVED: [handwritten: 21 April 2020]			
ORGANISATIONAL UNIT	No.	ADDENDUM	VALUE
[handwritten: 08/4.0	01/7	73 – 7 –	5-164/18]

No.UP-I-14-35-2-10-4/20
Sarajevo, 31 March 2020

Pursuant to Article 193, paragraph 1, of the Administrative Procedure Law ("Official Gazette of Bosnia and Herzegovina", No.29/02) and in accordance with Article 14, paragraph 3, of the Freedom of Access to Information Act of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 28/00, 45/06, 102/09, 62/11 and 100/13), and acting on the request made by the Republika Srpska Ministry of Justice Centre for Research of War and War Crimes and the Tracing of Missing Persons in Banja Luka, I hereby issue the following

DECISION

The Ministry of Justice Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons request to access information related to the sufferings of all peoples in the Srebrenica region between 1992 and 1995 was not complied with.

Explanation

In considering the request for granting access to information filed by the Ministry of Justice Centre for Research of War and War Crimes and the Tracing of Missing Persons in Banja Luka, which referred to the Freedom of Access to Information Act of Bosnia and Herzegovina and requested access to information related to the sufferings of all peoples in the Srebrenica region between 1992 and 1995, and which are necessary for the work of the Independent International Commission that aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

The following information was requested:

1. Number of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995),
2. List of members of the 8th Operations Group, subsequently the 28th Division of the 2nd Corps of the Army of Bosnia and Herzegovina, killed during the war in Bosnia and Herzegovina (1992-1995),
3. Documentation concerning the breakthrough of the 28th Division of the Army of Bosnia and Herzegovina after its departure from the Srebrenica enclave on 11 July 1995,
4. Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla, which were given to official bodies and are filed in your archives.

In considering the request related to the above, the following was determined:

Acting upon the request, it was determined that the documents in question are owned by the Bosnia and Herzegovina Ministry of Defence pursuant to Article 70, Paragraph (3) of the Bosnia and Herzegovina Law on Defence ("Official Gazette of Bosnia and Herzegovina", No.88/05).

As from entry into force of the Bosnia and Herzegovina Law on Defence, no relevant legal acts were drafted under Article 73 of this Law to end the disposition of property rights between the former entity ministries of defence and the Bosnia and Herzegovina Ministry of Defence. Article 74 applies, which prohibits any disposal of assets from Article 70, paragraph 3, of this Law, that is, in this case, the archives, lists, and other documents created by the former entity ministries and militaries, and which were found in military installations on 1 January 2006.

Pursuant to Article 16 of the Law on Archive Materials and Archives of Bosnia and Herzegovina, ("Official Gazette of Bosnia and Herzegovina", No.16/01), it is mandated that public archive materials are available for consultation 30 years after their creation, and may be used for scientific, educational, cultural, business, and other purposes after that the specified expires, unless otherwise noted in accordance with the creator's request.

The Freedom of Access to Information Act of Bosnia and Herzegovina cannot be applied in this case without breaching the above laws.

Archive materials and documents created between 1992 and 1992 by entities' former armies have not been prepared for public use or publication. Said materials are available for use by the International Criminal Tribunal for the Former Yugoslavia (ICTY), located in The Hague, the Prosecutor's Office and the Court of Bosnia and Herzegovina as evidence in war crime proceedings, as well as entity ministries whose purview includes addressing veterans' status issues based on affiliation.

In relation to the above, it was determined that legally mandated conditions were not met for using the documents created between 1992 and 1995 by entities' former armies for scientific, educational, teaching, cultural, business or other purposes, and thus the request by the Ministry of Justice Centre for Research of War and War Crimes and the Tracing of Missing Persons in Banja Luka to gain permission to access the aforementioned materials is considered to be premature.

On the basis of everything presented above, the decision as specified in the disposition was reached.

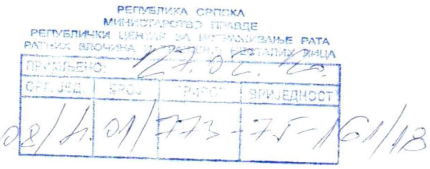
Legal remedy: *A complaint against this decision may be filed with the Appeals Council of the Council of Ministers of Bosnia and Herzegovina, 1 Bosne i Hercegovine Square, Sarajevo, within 15 days of receiving it*.

Delivered to:
- Republika Srpska
  Ministry of Justice
  Centre for Research of War and War Crimes and the Tracing of Missing Persons
  4 Jasenovačkih Žrtava Square
  78000 Banja Luka (with the delivery note)
- Archives

[stamp: Bosnia and Herzegovina, Ministry of Defense, Sarajevo]

MINISTER
Sifet Podžić, PhD
[signature: illegible]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995



Date: 26 February 2020

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Missing Persons Institute of Bosnia and Herzegovina, we hereby request that you provide us with the following documents (up to 31 December 2019):

- List of missing persons, name, date, and circumstances of disappearance included, whose disappearance is war-related (1992-1995) and happened in the municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica, Kalesija, and Kladanj.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-161/18
Date: 27 February 2020

MISSING PERSONS INSTITUTE OF BOSNIA AND HERZEGOVINA
2/15 Hamdije Čemerlića, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No.28/00), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Missing Persons Institute of Bosnia and Herzegovina, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- List of missing persons, name, date and circumstances of disappearance included, whose disappearance was war-related (1992-1995) and happened in the municipalities of Zvornik, Bratunac, Srebrenica, Vlasenica, Kalesija, and Kladanj.

Respectfully,

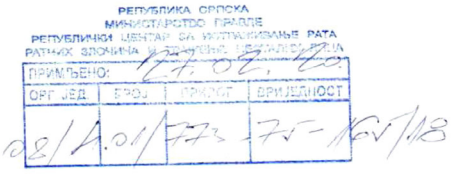
[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[A repley letter has never been received]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020



SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Potočari Memorial Centre, we hereby request that you provide us with the following documents (up to 31 December 2019):

- List of 8382 persons, personal details, dates, circumstances, and other relevant information concerning their deaths included, who are classified in the Potočari Memorial Centre as victims of war-related events of July 1995.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,
Gideon Greif
Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-165/18
Date: 27 February 2020

POTOČARI MEMORIAL CENTRE
Potočari bb, Srebrenica 75 430

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of Republika Srpska ("Official Gazette of Republika Srpska", No. 20/01), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Potočari Memorial Centre, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- List of 8382 persons, personal details, dates, circumstances, and other relevant information concerning their deaths included, who are classified in the Potočari Memorial Centre as victims of war-related events of July 1995.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

[stamp in Cyrillic: REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
REPUBLIKA SRPSKA CENTRE FOR RESEARCH OF WAR AND WAR CRIMES
AND THE TRACING OF MISSING PERSONS

RECEIVED: [handwritten:18 March 2020]			
ORGANISATIONAL UNIT	No.	ADDENDUM	VALUE
[handwritten: 08/4	01/7	73 – 7 5	165/18]

BOSNIA AND HERZEGOVINA
[coat of arms: Bosnia and Herzegovina]

The Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide, Srebrenica

No.02-02-3-238-1/20
Srebrenica, 16 March 2020

Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons
Banja Luka 78 000
Bosnia and Herzegovina

To Director Milorad Kojić, personally

SUBJECT: RESPONSE TO YOUR REQUEST No.08/4.01/773-75-165/18

Dear Sir,

We hereby inform you that we are unable to meet your Request No.08/4.01/773-75-165/18 of 16 March 2020. The Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide is under no obligation to provide information on the basis of the Freedom of Access to Information Act of Republika Srpska ("Official Gazette of Republika Srpska", No.20/01).

Please note that the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide was established in accordance with the Law on Registration of Legal Entities Established by the Institutions of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 33/02 and 37/03).

With this in mind, this institution does not fall under the definition of a "public body" obliged to publish information at the request of a natural or legal person in accordance with the Freedom of Access to Information Act of Republika Srpska ("Official Gazette of Republika Srpska", No.20/01), which you referred to in the request.

In addition, the very request was incorrectly addressed to the Potočari Memorial Centre, and we hereby advise you that in formal communication you use the official name of the institution, which is the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide.

Finally, I shall take the liberty of reaching out to you personally and educating you a little. Mr Kojić, there is no such thing as "war-related events of July 1995". All relevant facts in connection with the genocide against Bosniaks in eastern Bosnia between April 1992 and July 1995 were established beyond a reasonable doubt before a number of international and domestic courts, at the trials of top and middle-ranking Bosnian Serb political and military leaders. The genocidal nature of the events of July 1995 was also undoubtedly established. With regard to that, I refer you to the publicly available evidence of this, in the form of documents and testimonies used before the International Criminal Tribunal for the former Yugoslavia and before the International Court of Justice.

In conclusion, I should remind you that the legal mandate of the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide is to preserve the memory of the victims of genocide committed by the Bosnian Serb army and police forces. It would be contrary to the letter and spirit of the mandate that we have received if we were to contribute in any way to genocide denial or normalisation of such denial. The so-called commission on whose behalf you wrote to us is nothing more than a continuation of a campaign to systematically and systemically deny genocide. I am convinced that it will end in the same way as the so-called Srebrenica Historical Project, which was also paid from the budget, or, rather, with the people's money: through embezzlement, fraud, and criminal prosecutions.

Respectfully,

Dr Emir Suljagić

Acting Director of the Srebrenica-Potočari

Memorial and Cemetery for the Victims of the 1995 Genocide

[stamp: illegible]

[signature: Emir Suljagić]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Tuzla Canton Ministry of the Internal Affairs, we hereby request that you provide us with the following documents (up to 31 December 2019):

- All data available on the number of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- List of fatalities, by age and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had departed from Srebrenica on 11 July 1995, on the Srebrenica-Tuzla road or on their way towards other parts of the FB&H, which were given to the official bodies and are filed in your archives.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,

Gideon Greif

Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-166/18
Date: 27 February 2020

TUZLA CANTON MINISTRY OF THE INTERIOR
Turalibegova bb, Tuzla 75 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Tuzla Canton Ministry of the Interior, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- All data available on the number of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- List of fatalities, by year of death and victim status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina, which were given to the official bodies and are filed in your archives.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

[emblem: Tuzla Canton]

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
Tuzla Canton
Ministry of the Interior
Police Department
T u z l a

[emblem: Tuzla Canton Ministry of the Interior]

No.08-06/3-1-03.2-3-1043/20/ KN
Date: 15 April 2020

[stamp in Cyrillic:
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
REPUBLIKA SRPSKA CENTRE FOR RESEARCH OF WAR AND WAR CRIMES
AND THE TRACING OF MISSING PERSONS

RECEIVED:	[handwritten:23 April 2020]		
ORGANISATIONAL UNIT	No.	ADDENDUM	VALUE
[handwritten: 08/4	.01/	773	-75-

165/18]

REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons
[handwritten: BANJA LUKA]

SUBJECT: Notification is delivered.-
R e : Your document No.08/4.01/773-75-166/18, dated 27 February 2020

Regarding your document, the number and date of which are specified above, we hereby inform you that, in dealing with war crimes cases, the officials of the Tuzla Canton Ministry of the Interior have previously delivered the materials in question to the competent prosecutors' offices, and have also re-allocated a number of cases to other police agencies.

We also hereby inform you that you should contact the Missing Persons Institute of Bosnia and Herzegovina regarding the information which you requested in your document specified above.

DELIVERED TO:
- Addressee,
- ad acta.

CHIEF OF UNIFORMED POLICE
INSPECTOR GENERAL
[stamp: illegible]

Nevres Šiljegović
[signature: illegible]

Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 and 1995

Date: 26 February 2020

РЕПУБЛИКА СРПСКА
МИНИСТАРСТВО ПРАВДЕ
ПРИЈЕМ
Г. ЈЕД. | БРОЈ | ПРИЛОГ | ВРИЈЕДНОСТ
08/1.01 | 772-75-1167/18

SUBJECT: Request

Dear Mr. Kojic,

Bearing in mind the competencies of the Institute for Research of Crimes Against Humanity and International Law, University of Sarajevo, we hereby request that you provide us with the following documents (up to 31 December 2019):

- Names of fatalities, by age and casualty status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had departed from Srebrenica on 11 July 1995, on the Srebrenica-Tuzla road or on their way towards other parts of the FB&H [Federation of Bosnia and Herzegovina], which were given to the official bodies and are filed in your archives.

The data are needed for research of the Independent International Commission for the Investigation of suffering of all ethnicities in the Srebrenica region from 1992-1995.

Please provide the requested information in one copy and electronic version.

I hope that you will please our request. I warmly welcome you.

Truly Yours,
Gideon Greif
Chairman of the Independent International Commission of Inquiry on Sufferings of all People in the Srebrenica Region between 1992 to 1995

Gideon Greif

[emblem: Republika Srpska]
REPUBLIKA SRPSKA
MINISTRY OF JUSTICE
CENTRE FOR RESEARCH OF WAR AND WAR CRIMES AND THE TRACING OF MISSING PERSONS

4 Jasenovačkih Žrtava Square, Banja Luka, Telephone: 051/247-472, Fax: 051/247-597, e-mail: rcirz.vladars.net
www.rcirz.org

No.08/4.01/773-75-167/18
Date: 27 February 2020

UNIVERSITY OF SARAJEVO
Institute for Research of Crimes against Humanity and International Law of the University of Sarajevo
4 Halida Nazečića, Sarajevo 71 000

Subject: Request for provision of information-

To whom it may concern,

The Government of Republika Srpska passed a Decision on the appointment of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 (hereinafter: Decision on appointment), No.04/1-012-2-345/19, dated 7 February 2019 ("Official Gazette of Republika Srpska", No.13/19), which aims to objectively and impartially determine the sufferings of all peoples in the Srebrenica region between 1992 and 1995. In accordance with the specified Decision on appointment, the administrative tasks concerning the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995 are performed by the Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons.

In accordance with the provisions of the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", Nos. 32/01 and 48/11), we hereby submit a request for access to the following information, which refer to the sufferings of all peoples in the Srebrenica region between 1992 and 1995.

Please find attached the letter we received on 27 February 2020, which was sent to us by the President of the Independent International Commission of Inquiry on Sufferings of All Peoples in Srebrenica Region Between 1992 and 1995, Mr Gideon Greif.

Bearing in mind the competencies of the Institute for Research of Crimes against Humanity and International Law of the University of Sarajevo, we hereby request that you provide us with the following documents, up to and including 31 December 2019:

- Names of fatalities, by year of death and casualty status (soldier-civilian), who died between 1992 and 1995 in the areas of the following pre-war municipalities: Zvornik, Bratunac, Srebrenica, Vlasenica (Milići), Kladanj, Šekovići, and Kalesija (Osmaci);
- Witness statements of persons who survived the breakthrough, after they had set off from Srebrenica on 11 July 1995, on their way from Srebrenica to Tuzla or on their way towards other parts of the Federation of Bosnia and Herzegovina, which were given to the official bodies and are filed in your archives.

Respectfully,

Acting D I R E C T O R
[signature in Cyrillic: M. Kojić]
Milorad Kojić, MA

[stamp: Republika Srpska, Ministry of Justice, Republika Srpska Centre for Research of War and War Crimes and the Tracing of Missing Persons, Banja Luka]

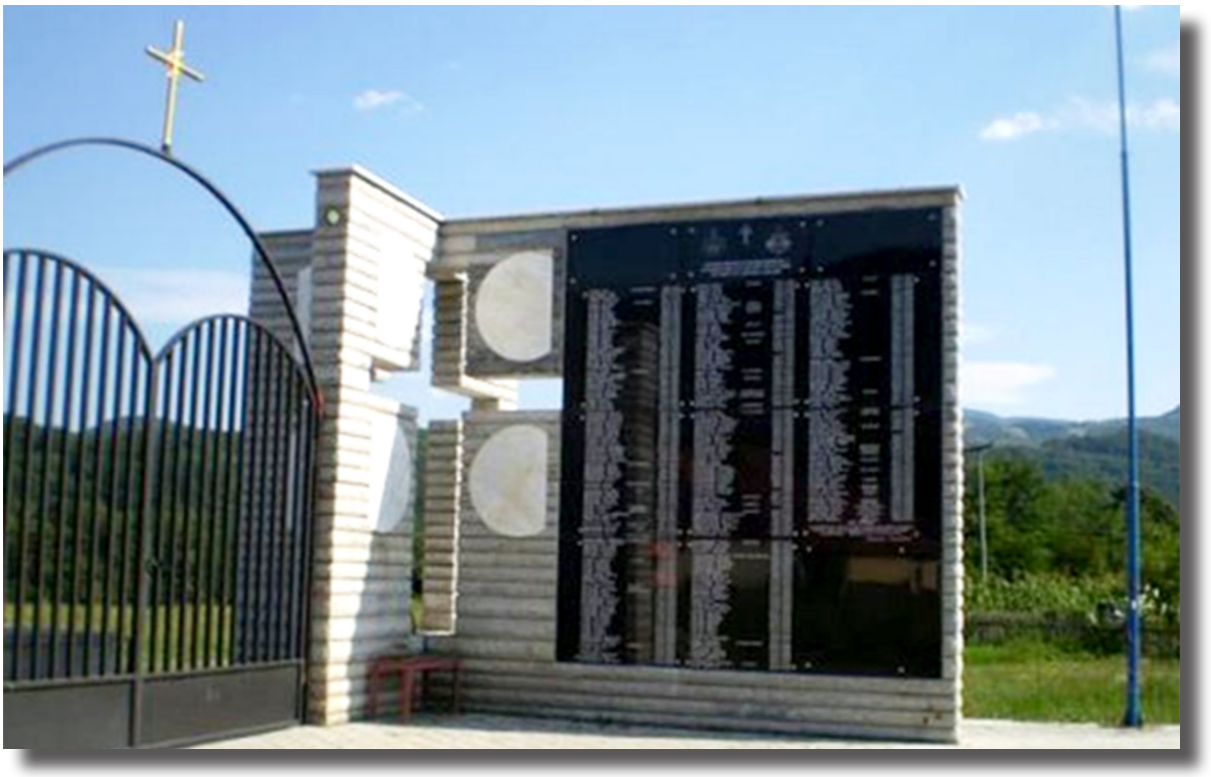
[A repley letter has never been received]

Appendix II

Military and civilian casualties

Appendix II/1. Photographs of a certain number of memorials to the perished Serbs taken during field research of the Independent International Commission of Inquiry on the Sufferings of All Peoples between 1992 and 1995

Memorial to the 3267 civilians and soldiers killed in the Middle Podrinje (Srebrenica region) between 1992 and 1995 and to the 6469 victims of the 1941-1945 genocide located in Kravica



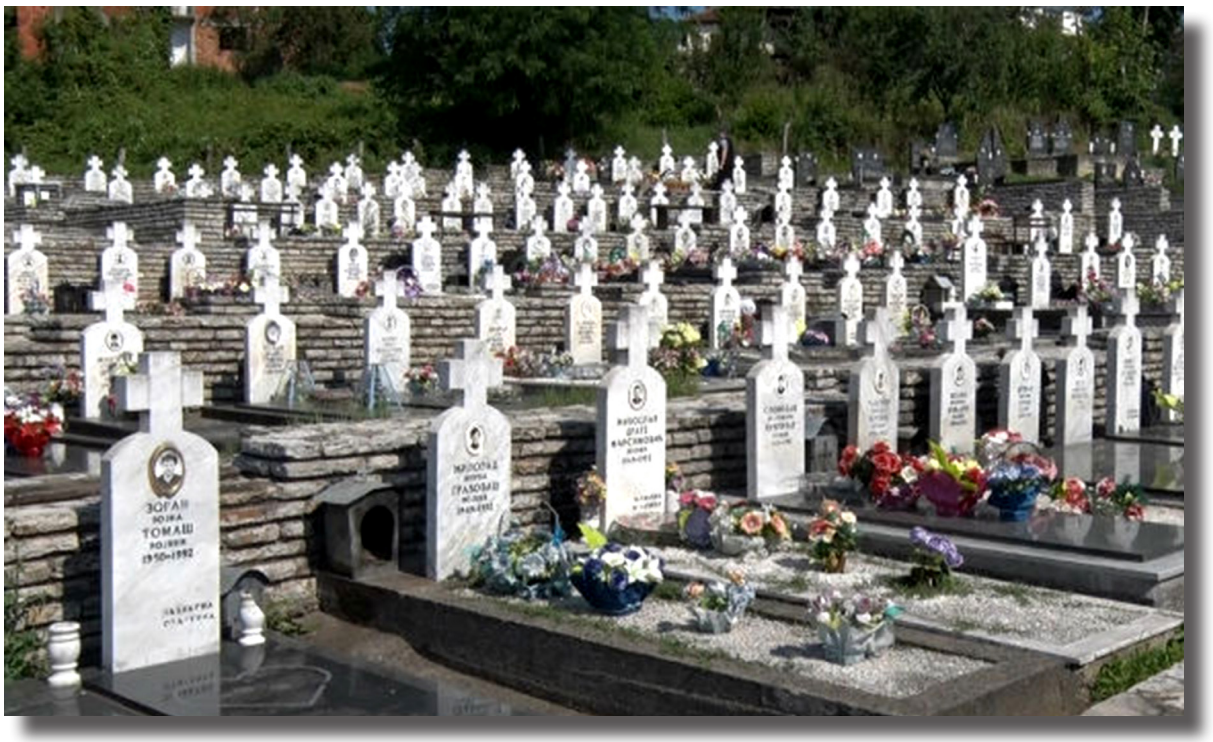
Memorial to the killed civilians and soldiers of Skelani

Memorial to the killed civilians and soldiers of Zalazje

Memorial to the killed civilians and soldiers of Brežani

Memorial to the killed civilians and soldiers of Bjelovac

Memorial to the killed civilians and soldiers of Ježestica



Part of the memorial cemetery in Bratunac where killed Serb civilians and soldiers were also buried

Memorial room in Srebrenica dedicated to the killed Serbs of that town contains photographs of some of those killed. The memorial room is located in one of the rooms of an Orthodox Church building since no other public space in the town of Srebrenica was made available to be used for that purpose

The memorial room in Bratunac dedicated to the killed Serb civilians and soldiers which contains photographs of some of those killed

Appendix II/2. Photographs of certain memorials to the perished Muslims/ Bosniaks taken during field research of the Independent International Commission of Inquiry on the Sufferings of All Peoples between 1992 and 1995

Commemorative plaque honoring the soldiers and civilians of the Čančari hamlet

Commemorative plaque honoring the killed shahids (killed soldiers) in the Hrnčići village

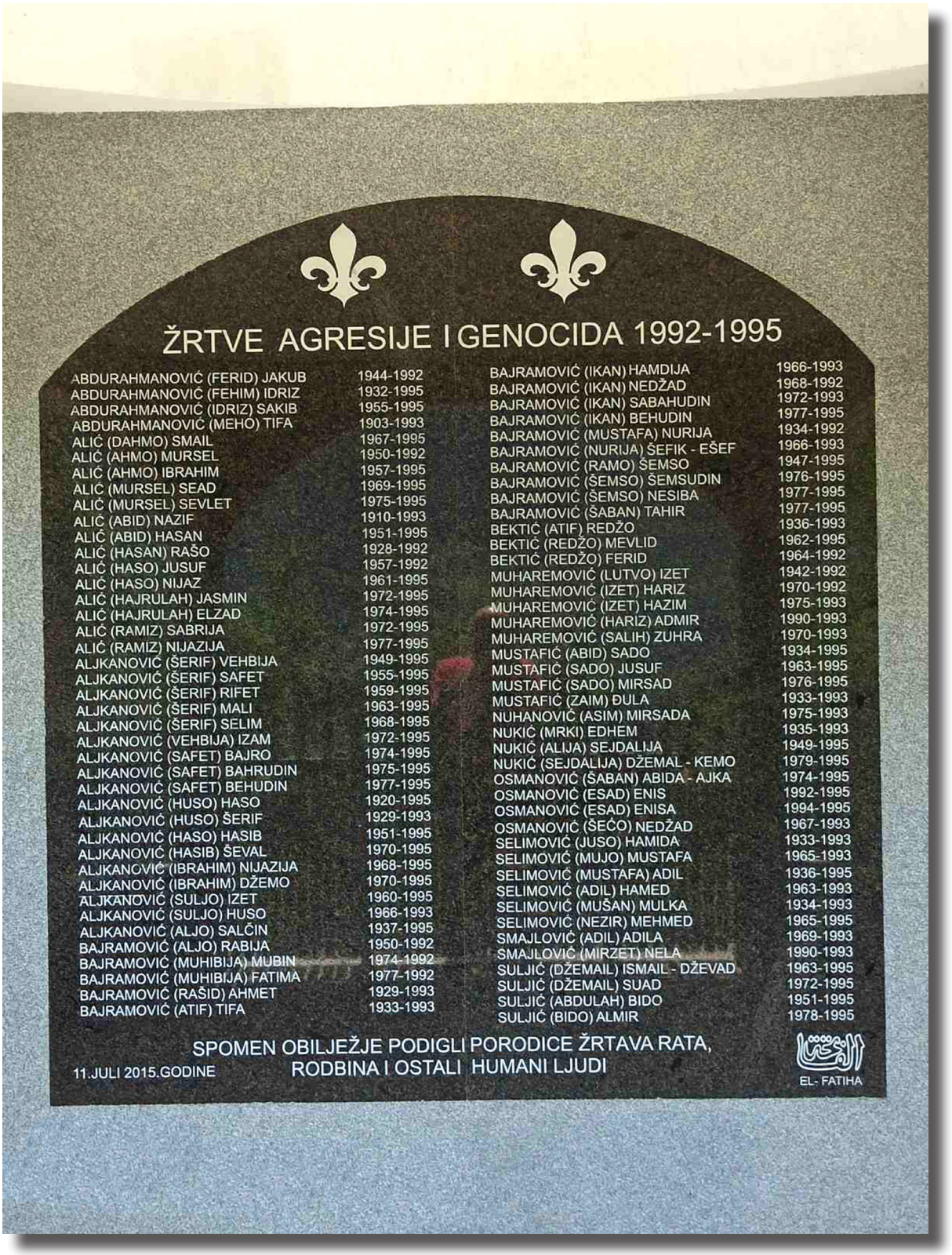
Commemorative plaque dedicated to the memory of shahids (killed soldiers) of the Barakovići village.

Commemorative plaque dedicated to the memory of the victims of the 1992-1995 war in the Blječeva village

Memorial in the Donja Kamenica village

Memorial to the shahids (killed combatants) of the Gornja Kamenica village

Memorial to the persons killed in the Glogova village



Memorial to the victims “of the 1992-1995 aggression and genocide” in the Poljak village

Potočari Memorial Center – Cemetery for the Shahids. Even through the tombstones in this cemetery were intended exclusively for shahids (soldiers who died for Islam), aside from the members of the ARBiH 28th Division who were killed in combat, captured and shot members of this formation, as well as able-bodied men captured at the UN compound in Potočari, and, possibly, a small number of civilians who were breaking through from the encirclement together with the ARBiH 28th Division were also buried in this cemetery.

BIOGRAPHIES OF THE COMMISSION MEMBERS

GIDEON GREIF

He specializes in the History of the Holocaust Period and World War II, Modern Jewish History, History of the Concentration and Extermination Camps, particularly Auschwitz, Majdanek and Jasenovac. Greif received his BA and MA in Jewish History, The History of Eretz Israel, and his PhD in Jewish modern history. His mentor and professor was the coryphaeus of the history of the Holocaust on the territory of Yugoslavia, a professor from Israel, Menachem Shelah. During the course of his studies, as well as upon finishing them, he has authored a number of radio documentaries and documentary films on the subject of World War II, Holocaust and the like. Professor Greif worked as a professor, lecturer and researcher at universities in Tel Aviv, Vienna, Austin, Miami and other places. For many years he has been the Director of the Germany and Poland Desk within the European Department of the Yad Vashem in Israel, has edited various publications, worked as a historian, pedagogue, lecturer and senior researcher at this world-renowned institution. Throughout the many years of his work in these fields, he has authored and edited numerous texts and papers as well as books, such as, for example, *We Wept without Tears*, a book which inspired the award-winning film *Son of Saul*. His papers and books are published in many languages. He was engaged as an author and participated in the preparation of several encyclopedias of the Holocaust which were published in several languages.

At the moment he is the chief historian and researcher at the Shem Olam Holocaust Institute for Education, Documentation and Research in Israel, senior historian and researcher at the Foundation for Holocaust Education Projects in Miami, Florida, lecturer at the Tel Aviv University as well as in other academic centers in Israel, advisor, translator and interpreter at

the Auschwitz-Birkenau State Museum in Poland, a Member of the American International Advisory Council of Interviewers at the Auschwitz Jewish Center Foundation of New York, located in Oswiecim/Auschwitz, Poland.

YUKIE OSA

Yukie OSA is the Professor of Political Science at the Graduate School of Social Design Studies at the Rikkyo University, Tokyo. From 2008 to June 2021, she had been the President of the Japanese humanitarian NGO, Association for Aid and Relief, Japan (AAR), which was established in 1979. She became Chairperson as of June 2021. In the past, as the head of emergency assistance operations, she was involved in AAR programs in Cambodia, former Yugoslavia, Mozambique, Kosovo, Chechenia, Afghanistan, and so forth. She was the AAR field representative in the former Yugoslavia region between 1994 and 1995. As a member of International Campaign to Ban Landmines, she led the Japanese Mine Ban Campaign during and after the Ottawa Process. She was a researcher for *Landmine Monitor Report* for China from 1998 to 2008. She was a member of the Advisory Group for the United Nations Central Emergency Response Fund from 2012 to 2015 and the Japanese National Commission for UNESCO from 2013 to 2017. Since 2016, she has been a member of the Board of Trustees for the United Nations Institute for Training and Research. She is the author of books and articles on Srebrenica, Human Security, landmines and mine action, humanitarian assistance and disaster relief, civil military relations, and so forth. She received her PhD in Human Security Studies from the graduate school of the University of Tokyo, and her BA and MA in Political Science from Waseda University.

STEVEN MEYER

Until recently, Steven Meyer was the National Security Program Chair and professor of National Security Studies at the Daniel Morgan Graduate School. He received a PhD in Political Science from Georgetown University in Washington, D.C., where he focused on comparative political systems. Much of his PhD level work was concerned with Central and Eastern Europe and Russia. He received a Master's degree from Fordham University

in New York City, also in political science, and Bachelors' degrees in political science and mathematics from the University of Wisconsin in Madison, Wisconsin. He has done specialized work at the Vrije University in Amsterdam, The Netherlands and the University of Glasgow, Scotland, specializing in European politics. In addition, he received specialized training in nuclear weapons, ballistic missile systems and arms control at Vandenburg Air Force Base in California. He worked for many years for the Central Intelligence Agency in many capacities, but usually dealing with Europe and Russia. During the Wars of Yugoslav succession in the 1990s, he served as the Deputy Chief of the Interagency Balkan Task Forces (BTF) which were located at the CIA Headquarters, but had representatives from several U.S government agencies and departments. The Balkan wars were the most important foreign policy issues facing the Clinton Administration and the BTF was the most important intelligence instrument the Administration had. The work of the BTF involved not only duties in Washington, but required that he and other members work for several weeks, even months, on the ground throughout the Balkan region from 1992 through 1995. In addition to work on and in the Balkans, he worked on issues concerning NATO, Germany, the EU and Russia. After leaving the CIA, he taught for several years at the National Defense University (NDU), a Department of Defense graduate school. While there, he taught courses in national security, American foreign policy, Russian and Central European politics and environmental security. Attendance at NDU is required for all senior U.S. military officers who are destined for "flag" level or joint positions. NDU also hosted U.S. civilian diplomats and officials as well as many foreign military officers, diplomats and officials. He has also published many articles and contributed to several books. He is working on a book about the failure of U.S. foreign policy after the collapse of the Soviet Union and the emergence of a multi-polar political, economic and security world. He travels extensively and lectures regularly in Europe and the U.S.

LAURENCE FRENCH

Laurence Armand French grew up in a Franco-American community in New Hampshire where he attended local public schools. He enlisted in the U.S. Marine Corps where he served with the 2nd and 3rd Marine Divisions (FMF) in artillery units. He attended college as a disabled veteran following his Honorable Discharge. He earned the BA, MA, and PhD in sociology / social psychology from the University of New Hampshire-Durham, a second MA in school psychology from Western New Mexico University and a second PhD in educational psychology and measurement / cultural psychology from the University of Nebraska-Lincoln. He held professorial rank at Western Carolina University, University of Nebraska-Omaha

(Lincoln Campus), Prairie View A&M University, Grambling State University, Saint Thomas University (Canada) and Western New Mexico University (retiring as Professor Emeritus of Psychology). He completed two post-doctorate engagements (minority justice / clinical psychopharmacology), is a "Fellow" of the American Psychological Association, Society for the Psychological Study of Social Issues and Diplomate/Fellow of the International College of Prescribing Psychologists. He is a licensed clinical psychologist and holds "Life-Member" status with The American Society of Criminology, Veterans of Foreign Wars as well as Disabled American Veterans organizations. He has won national awards for his research in substance abuse and social justice with minority populations. He is a Fulbright Scholar (University of Sarajevo, 2009-2010) and served two tours as a Fulbright Specialist (Republic Srpska - 2016; Autonomous Indigenous University of Mexico – 2018). He has over 300 academic and professional publications including 24 books/monographs. He currently is an affiliate professor of justice studies at the University of New Hampshire-Durham. He resides in New Hampshire with his wife, Nancy.

ROGER W. BYARD

Professor Roger W. Byard AO PSM, DSc, FAHMS (BMedSci, MB, BS, MMedSci-Paed, PhD, MD, FCAP, FRCPC, FRCPath, FRCPA-Hon, FFFLM, FFSc) holds the Chair of Pathology at The University of Adelaide and is a Senior Specialist Forensic Pathologist at Forensic Science SA in Adelaide, Australia. He qualified in medicine in Australia in 1978 (University of Tasmania) and then undertook five years of clinical practice before specializing in pathology. He was awarded the Australian Public Service Medal (PSM) in 2004 for outstanding service to pediatric pathology, and became an Officer in the Order of Australia (AO) in 2013 for distinguished service to medicine in the field of forensic pathology. He has a specific interest in forensic pathology research and has published over 1,000 chapters and papers/short communications/letters in peer-reviewed journals, in addition to ten texts. He was also awarded the Humanitarian Overseas Service Medal (HOSM - Indian Ocean clasp), the RCPA medal and the Australian Federal Police (AFP) Operations Medal (Cawdor and Alliance clasps) for disaster victim identification work in Bali after the bombings in 2002 and in Thailand after the tsunami in 2004. In addition to his basic medical and other post graduate qualifications Professor Byard is a Doctor of Philosophy (PhD), a Doctor of Medicine (MD) and a Doctor of Science (DSc).

MARIJA ĐURIĆ

Marija Đurić is the Professor of Anatomy at the School of Medicine, University of Belgrade. She has been leading the Laboratory for Anthropology for 24 years. Since 1998 she has employed her anthropological skills in multi-disciplinary forensic teams, working on excavations of mass-graves, anthropological analysis of skeletal remains, and identification on victims. She has spent over 20 years on the ground in Serbia (Kosovo, Batajnica, Perućac, Kragujevac, Oplenac, Rudnica) investigating war crimes. She occasionally teaches forensic anthropology in crime scene management courses for police investigators and criminal justice professionals, runs bioanthropology courses for international students, and PhD course with stream in Forensic anthropology. She has collaborated with ICMP, NecroSearch International, Department for Forensic Medicine at Medical faculty of Belgrade and local district courts. She is a leader of scientific projects dealing with the biological profile of skeletal remains, paleopathology, dental anthropology and bone aging. She has authored numerous high impact papers and chapters of international books in the area of bone biology, bioarchaeology and forensic anthropology.

ADENRELE SHINABA

Adenrele Shinaba is a high-level official of the Ministry of the Interior of the Republic of Nigeria and holds the rank of general. He finished his extremely successful career quite recently by regular retirement. Extensive career experience and professional education and training both in his country and abroad at prestigious specialist educational institutions made Mr. Shinaba one of the key professionals in this field in his country. Through cooperation with and international trainings he received from the world's leading security and police agencies, especially training in the field of counter-terrorism, he has become one of the key people in the fight against the largest terrorist organization in Africa, Boko Haram. The open war for the survival of the state of Nigeria ended after a few years with the victory of government forces. The commander of counter-terrorist police forces during this extremely complex war was Mr. Shinaba himself.

Throughout his career, among other duties, he performed those of a DPO at the Divisional Police Headquarters, Ogbomosho, in 1995, Commissioner of the Police Counter

Terrorism Unit at the Force Headquarters, Abuja, in 2008, Commissioner of Police at the Federal Capital Territory Police Command, in 2012. He finished his extremely rich and honorable career as the Commandant at the central federal Police Academy at Wudil, Kano. He is an expert on security, crime investigation, counter-terrorism and the Boko Haram terrorist organization.

GIUSEPPE ZACCARIA

Giuseppe Zaccaria was was a professional journalist from 1975. He worked for *Il giornale* (1976-1978), *Il Messaggero* (1979-1980) and *La Stampa* (1981-2009). From 2012 to 2017 he was the publisher and editor at the *Ital Inter Media* news agency in Belgrade. As a foreign correspondent for *La Stampa*, for more than twenty years, he covered the main events in Europe and the Middle East. As a war correspondent, he covered the first and the second Gulf War, the Afghanistan crisis, as well as the war between Israel and Lebanon in 2006 and all conflicts in the Balkans (former Yugoslavia). He interviewed many presidents and leaders, such as Muammar Gaddafi, Mandela and all the main politicians in the Balkans, including Slobodan Milošević – managing to get the only interview given to a foreign journalist in over a decade – in 2000. He also covered the Yugoslav crisis in Croatia, Serbia, Bosnia and Kosovo as well as the NATO campaign in 1999. He authored a number of books such as *Noi, criminali di guerra* (We, the War Criminals), a book about war crimes in Bosnia, for which he was awarded the Hemingway Prize.

WALTER MANOSCHEK

Walter Manoschek currently holds the chair in Political Science at the University of Vienna. He has authored three research books and five edited books, around 100 scholarly articles and one documentary film entitled *Dann bin ich ja ein Mörder* (If That's So, Then I'm a Murderer), which had its world premiere at the *Viennale* Film Festival in 2012 and won the prize of Recognition of the City of Vienna. He was awarded research scholarships at Yad Vashem in Israel, for a period of four months, and the United States Holocaust Memorial

Museum in Washington, D.C., for a period of seven months, for his project "Ghetto Society. Survival Strategies of Austrian Jews in the Ghettos of the Lublin and Radom District in the General Government, 1941-1945". Furthermore, he was awarded International Cartographic Association Map Award in the category "Digital Products" for his work *Politics of Remembrance and the Transition of Public Spaces* at the Cartographic Exhibition in Tokyo in July 2019, the Democracy Award of the Margaretha Lupac Foundation that was in fact awarded to the Committee "Gerechtigkeit für die Opfer der NS-Militärjustiz" (Equity for the Victims of the National Socialist Military Justice) and was received at the Parliament of the Republic of Austria in 2016, as well as the Book of the Month Award by the University of Vienna for his book *Dann bin ich ja ein Mörder* (If That's So, Then I'm a Murderer) in May 2015. His research focuses on National Socialism, Shoah, Austrian Fascism and Politics of Remembrance.

MARKUS GOLDBACH

Upon finishing his legal studies, he started his career at the Academic Office of the German Parliament. Among other topics, he worked on questions of legality of the NATO war in Kosovo. Currently, he works as lawyer with a special interest in international litigation cases as well as cases of international humanitarian law. During his career, he has specialized for the cases related to the state sponsored terrorism as well as the Holocaust and other genocides.

For more than ten years, Markus Goldbach has represented Holocaust survivors from Europe, Israel and the US during criminal trials against former Nazi perpetrators, such as the Luneburg trial against the "bookkeeper of Auschwitz" Oskar Groening and other cases in connection with the concentration camps of Mauthausen, Stutthof, Buchenwald and other camps and sub camps. He has also represented Rwandan victims in the genocide trial against Hutu politician Onesphore Rwabukombe.